

**BILL DRAFTING MANUAL
FOR THE
KENTUCKY
GENERAL ASSEMBLY**

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FOREWORD

This is the thirteenth edition of the Legislative Research Commission's Bill Drafting Manual, published initially in 1955 as part of a comprehensive study of the Kentucky legislative process.

The booklet will be helpful to new members of the General Assembly and those called upon to perform legislative drafting service. It is a guide to the correct form for bills and resolutions and provides information on style and constitutional limitations. Veterans of the legislative process will find it useful as a checklist on the specific characteristics and language of legislation in Kentucky.

The manual is not concerned with the substance of bills or resolutions. Legislative staff members professionally acquainted with the various subjects relating to public policy are available on an impartial, nonpartisan, confidential basis to draft bills upon request by legislators or legislative committees.

This revision of the Bill Drafting Manual was undertaken by the Acting Reviser of Statutes, Bill Van Arsdall, following the 2001 Regular Session of the Kentucky General Assembly. In this task, he was assisted by the Assistant Revisers of Statutes — Ann Zimmer, Rob Williams, and Lauren Anderson. Peggy Hyland, Deputy Director for Research and Issue Development, contributed the material on study resolutions. Norman Lawson, Jr., Committee Staff Administrator for the Judiciary Committee, offered significant contributions in the preparation of this manual.

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Director

The Capitol
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January, 2002

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Chapter 1

PRELIMINARY CONSIDERATIONS

Sec. 101. Introduction

The legislative power of the Commonwealth is vested in the General Assembly, which has exclusive power to create, amend, and repeal statutes. The quality of the legislative product depends not only upon the substance of laws, but upon their form and style. Inaccurate or careless drafting may produce bad laws or even invalidate a measure entirely. It is essential to legislators, administrators, courts, and the public that bills and resolutions be written in a clear, correct, and unambiguous style.

Sec. 102. Legislative Drafting Service

The Legislative Research Commission, which is the staff agency of the General Assembly, is directed by statute to “[a]fford to any member of the General Assembly or any committee of either house of the General Assembly such information and assistance as may be practicable in the preparation of bills, memorials, resolutions, amendments, [and] alterations and changes thereto and revisions and substitutes thereof, proposed to be introduced into the General Assembly.” KRS 7.100(3). The rules of each house require submission to the Legislative Research Commission of all bills proposed for introduction.

Commission staff members are available to draft measures and to counsel legislators and committees as to proposed legislation, both between and during sessions. Any legislator desiring this service may submit a request for legislative drafting or may consult with a member of the staff or with the Reviser of Statutes on the legal aspects of the methods and objectives of proposed legislation, and the proposal will be drafted in proper form for introduction in the legislature. Bills drafted by legislators will be reviewed by the staff and by the Reviser prior to introduction. Requests for legislative drafting are submitted to the Director or a designated assistant for assignment to the appropriate drafter.

By law, all drafting requests from legislators are treated with the strictest confidence and are not discussed outside the immediate staff. If conferences with other persons or agencies seem desirable, the drafter will ask the sponsor’s permission before taking such action. The legislator is assured that both the request and the bill will be confidential.

Drafting requests should be submitted as early as possible before or during the session to give the staff adequate time to prepare the measures. Every effort is

Sec. 102

made to handle requests promptly, but bills require considerable time for preparation, and one bill may require many drafts. The drafter cannot sacrifice accuracy for speed.

Members of the General Assembly and members-elect who have received their certificates of election may, when the General Assembly is not in session, prefile bills and resolutions for introduction in the next succeeding regular legislative session with the Director of the Legislative Research Commission. Extending the period during which bills are publicized and discussed extends the period during which the Commission's bill-drafting staff can be of greatest benefit to members. *See* KRS 6.245.

Research and reference services of the Commission may be used by the legislator to obtain information on the subject of proposed legislation. The Commission maintains a reference library of material on most subjects of legislative interest, information on programs of other states, uniform state legislation, and an index of bills and resolutions introduced in previous sessions. Any legislator may request that the Commission prepare a research memorandum on a particular problem or supply data needed in formulating a legislative proposal.

Sec. 103. The Drafter's Job

Determining the objectives and content of legislation is the prerogative of the legislator or committee. The drafter's function is similar to that of a lawyer preparing instruments for a client, and the drafter should be able to call upon a broad background of the law and government to accomplish the purposes of the legislator. It is the responsibility of the drafter to suggest alternative methods for accomplishing the objectives, point out the possibility of unconstitutionality of a proposal, and provide such counseling as will clarify the thinking of the legislator. However, the legislator's ideas, and not the drafter's, must be incorporated in the bill. Moreover, if a legislator wants a bill, it is the duty of the drafter to prepare it, regardless of personal thoughts on its desirability or propriety. The drafter should not express or promote personal ideas or interests but must remain an impartial technician. If the drafter exercises unwarranted discretion in regard to content, the legislation may produce results that the sponsor did not intend. The drafter should not become emotionally or personally attached to the bill or its eventual outcome and should not "lobby" for its passage or defeat.

The first and most important step in preparing legislation is to comprehend the sponsor's objectives and gain a thorough understanding of what the measure is intended to accomplish. At this point, initial policy questions and the general structure of the bill should be discussed. In some cases, several consultations with the legislator may be necessary to resolve policy questions that were not anticipated in the initial instructions but arose in the process of drafting.

Sec. 103

The second step is to carry out whatever research is necessary to prepare a good bill. The drafter should be able to visualize clearly how a bill will work if enacted into law. This requirement necessitates a comprehensive knowledge of the operations of all phases of the state and local governments and of judicial procedures. Thus, the bill drafter must become an expert in the field of government and, if unable to see how a law will work, do the research necessary to find out. This research must include a check of the Constitution, statutes, and annotations. If it is found that the proposal or certain features of it may be unconstitutional, the drafter should immediately contact the sponsor and inform him or her of the potential problem and recommended solutions. This information should be included in the bill folder for future reference. Laws of other states on the same subject often are helpful. In some cases, considerable study of the problem is required before actual drafting can begin. The drafter should check the uniform acts of the National Conference of Commissioners on Uniform State Laws and the suggested state legislation of the Council of State Governments, which may be found in the Legislative Research Commission library.

The third preliminary is to develop a definite plan for organizing and arranging the proposed content. Clarity of expression must rest on clarity of thought and construction. In some cases, an orderly and logical development of the bill will be attained only after several tentative outlines have been made. Numerous drafts of a particular bill may be required to achieve accuracy of expression.

Chapter 2

FORM OF BILLS

Sec. 201. Introduction

A legislative bill consists of a title, an enacting clause, and a body of provisions to be enacted. Each part is essential and must be complete within itself. The proper forms of the title and enacting clause are defined by law and custom, but the form and length of the body depend on the purpose to be accomplished.

Sec. 202. Title

The Constitution of Kentucky provides that: “No law enacted by the General Assembly shall relate to more than one subject and that shall be expressed in the title” (Const., § 51)

The purpose of the title is to give notice of the general subject dealt with in the bill, so that the members of the General Assembly and the public may be informed as to the particular field in which the bill proposes to legislate. The idea is that the member of the legislature or any other person should be able to determine by the title whether the bill deals with a subject of particular interest or concern.

No question of the form of legislation comes before the courts more persistently than the validity of titles to acts. The constitutional provision for titles is mandatory, and failure to comply with it will invalidate a measure.

The title of a bill should be broad and general because any provision of a bill that has a natural connection with the subject expressed in the title is valid. If a bill amends existing law, the title should embrace not only the amendment but the entire subject matter of the bill.

It must not be so broad, however, as to be misleading. Any title that misleads makes the act void. As an example, an act that provided for the annexation of unincorporated territory by a city has been held not included in the title “AN ACT relating to cities,” because it dealt with territory that was not a city. Indeed, the cardinal sin in preparing titles is to use language that misleads as to the contents of the bill. The highest degree of care, therefore, must be exercised to make certain that the subject of the bill is embraced plainly in the title.

If broad language does not appear adequate or if the sponsor insists, a detailed title can be used. If a detailed title is used, it must be a complete index to the provisions of the bill. The rule *Expressio unius est exclusio alterius* applies to

Sec. 202

titles, so that if a detailed title fails to mention a provision of the bill, the title, by implication, says that this provision is not in the bill, and so makes the enactment invalid. It follows that broad and general titles are safest and that detailed titles should be used only with extreme caution. Detailed titles are a particular problem if a bill is amended before passage because the amendment may require the title to be changed.

In most cases, it is best to introduce a title with the words “AN ACT relating to,” followed by an indication of the general subject, such as “income taxation,” “mental health,” or “public highways.” For example:

AN ACT relating to education.

If a bill has only one specific and limited purpose, it is acceptable to use the words “AN ACT providing for” followed by a simple, broad statement of the purpose, such as “the payment of travel expenses for state officers and employees.” An example would be:

AN ACT providing for the confidential treatment of public records.

Some titles may use both the phrase “relating to” and the phrase “providing for.”

AN ACT relating to a compact between the Commonwealth of Kentucky and the Commonwealth of Virginia providing for the creation, development, and operation of an interstate park to be known as the Breaks Interstate Park.

When a bill carries an appropriation or declares an emergency, the phrase “and making an appropriation therefor” or “and declaring an emergency” should be included in the title as a convenience to legislators, as these bills must be approved by a majority of members elected to each house.

If the bill amends or repeals an existing statute, it is not necessary for the title to state that fact or for it to designate the section number affected. If the title indicates that the sole purpose of a bill is to amend specific sections of a named law, it cannot amend another law.

Sec. 203. Preamble

When insisted upon by a legislator, a preamble (i.e., a series of “Whereas” clauses) may be included in a bill following the title and preceding the enacting clause. It does not become part of the act but states findings of fact and sets forth

Sec. 205

general policy. A preamble does not have the effect of a comparable clause in the body of the bill and is seldom used in legislation. The courts have held that a preamble is merely an explanation for the passage of the act, and the facts set forth in it are not admissible as evidence.

Preambles are used in a few special kinds of bills, such as those changing the classification of cities. A preamble to a bill follows the same form as the preamble to a resolution, with clauses commencing with the word “WHEREAS,” setting forth the reasons for legislation.

Sec. 204. Enacting Clause

The style of the enacting clause is fixed by Section 62 of the Constitution. It must be followed exactly in every bill. The identical clause is used for any kind of bill and may not be varied:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Failure to include this clause will invalidate the bill; it is the formal expression of legislative enactment. The title and preamble of a bill precede the enacting clause. All sections following the enacting clause become law.

Sec. 205. Amending Existing Statutes

Few legislative proposals are completely new. Most amend, replace, or supplement existing statutes on the subject. It is of the utmost importance that the drafter check the statutes and appropriate cross-references before preparing a bill. A substantially similar law may already be in force, other statutes may contain in-text references to the statute being amended, or the proposed law may conflict with other statutes that must be amended. Unintentional conflicts must be avoided. The Legislative Research Commission maintains searchable electronic statutory databases containing the Kentucky Revised Statutes and Kentucky Constitution to assist bill drafters in identifying potential conflicts with existing statutes or the Constitution. The drafter must also ascertain whether the affected statutes have been amended at the current session, if one is in progress. Section 51 of the Constitution provides in part:

[N]o law shall be revised, amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revised, amended, extended or conferred, shall be reenacted and published at length.

This provision under the decisions of the Kentucky Supreme Court requires (1) that when a section of an act is amended, the entire section, and not just the

Sec. 205

amendment, must be set forth in the bill, and (2) that a subsection cannot be amended unless it is by itself a complete law and, in that case, the entire subsection must be set forth at length. The practical effect of this provision then is that the legislature amends, and not to try to amend an act, chapter, or subsection only by KRS sections, setting forth the entire section as it will read when amended.

It should be noted, however, that this provision does not prohibit the enactment of laws that refer to other laws for some aspect of their operation. Thus, an act that grants the power of eminent domain, but provides that it may be exercised in the manner prescribed by a specific section of KRS, is valid. Neither does this provision prohibit amendments by implication, but amendments of this type are to be avoided if at all possible.

If a statute is amended to include, change, or delete an in-text reference to another statute, the drafter should check to see that similar references do not exist in other statutes. When a statute is amended, the drafter should also check to see if reference is made to it in any other statute. If it is, the other statutes need to be checked for conflicts with the new amendment. This is particularly true for statutes in which penalty sections may be affected by a change in the provisions of the statute for which they provide the penalty.

Where possible, it is better drafting practice to avoid making any statute depend upon another statute for a phase of its operation. Subsequent amendments to or repeal of statutes cited by reference are an increasing source of potential litigation about the meaning of the statute. For instance, if a statute creates a definition by saying, “‘Corporation’ has the same meaning as provided in KRS 271B.1-400,” what is its status when KRS Chapter 271B is repealed some time in the future and is replaced by KRS Chapter 271C? Other problems are created by the inclusion of a provision stating that an act becomes effective on the enactment of a particular federal act, since Section 60 of the Constitution of Kentucky prohibits most laws from becoming effective except on the approval of the General Assembly. In cases where the reference is mandated by federal law, then the Kentucky constitutional provision must give way, but in many instances the inclusion is not mandated but done merely for convenience or uniformity. When possible, it is better form simply to use the language of the federal statute. Adoption of a federal statute by reference may create the same problems regarding amendment or repeal if the statute is changed or repealed.

Sec. 206. Format for Amendments to Existing Sections

There should be a separate section of the bill for each existing statute section to be amended, and each of these sections should begin with an amending clause. This facilitates later integration of the bill into the statutes. The following form is used:

Sec. 208

Section 2. KRS 165.040 is amended to read as follows:

The funds appropriated by the board of aldermen of a city of the first class as provided in KRS 165.030 may be paid to the treasurer of the university by the director of finance of the city in regular weekly ~~monthly~~ installments.

Section 3. KRS 165.050 is amended to read as follows:

In amending one or more sections of an act or KRS chapter, it is sufficient to amend only the sections that are to be changed, and the entire act or chapter need not be set forth at length. The entire statute section being amended should be set out, not just the particular subsection or subdivision affected.

Sec. 207. Use of Underlining and Bracketing

In bills amending existing sections, the new wording is underlined and the deleted wording is placed in brackets and struck through with a single line. Generally, the new wording should precede the bracketed wording, but there may be exceptions to this rule for the sake of convenience and clarity.

Brackets and strikethroughs are used only in an amended section that is, a section introduced with the clause:

KRS _____ is amended to read as follows:

If the first part of a sentence is bracketed and a small letter beginning the next word thereby becomes a capital letter, do not underline or bracket this letter.

Sec. 208. Creating New Statutes

Any proposal to add a new section to a chapter of KRS must ordinarily be enacted as entirely new law and not as an amendment.

Each new section created should be a separate section of the bill. The following form is used:

SECTION 27. A NEW SECTION OF KRS CHAPTER 363 IS CREATED TO READ AS FOLLOWS:

"Weight" as used in Sections 1 to 12 of this Act in connection with any commodity means net weight. If any commodity is sold on the basis of weight, the net weight of the commodity shall be employed, and all contracts concerning commodities

Sec. 208

shall be so construed.

New sections of statutes are shown in underlined bold italics in the bill. All capital letters are used for the introductory clause when a new section is created.

The drafter selects the proper KRS chapter in which to place the new section. However, that decision is not binding on the Reviser, who may, even after enactment, place the section in a different chapter.

In some large bills, it will be desirable to establish a new KRS chapter. Check with the Reviser of Statutes, who will assign a chapter number for you. When a new KRS chapter is established, the following form is used in the first section of the bill:

SECTION 1. KRS CHAPTER _____ IS ESTABLISHED AND A
NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

Occasionally it will be desirable to place a new section in a certain area of a KRS chapter, to take advantage of existing definitions, penalties, or other provisions. In this case, the following form is used:

SECTION 12. A NEW SECTION OF KRS 80.620 TO 80.720 IS CRE-
ATED TO READ AS FOLLOWS:

Failure to place the new section within the desired range will mean that the range's definitions and penalties do not apply to the new section.

If a chapter has been divided into subchapters (KRS Chapters 154 and 224), subtitles (KRS Chapters 271B and 304), or articles (KRS Chapter 355), the drafter needs to place a new section within a specific subchapter, subtitle, or article within the chapter. The introductory clause will look like this:

SECTION 20. A NEW SECTION OF SUBCHAPTER 30 OF KRS CHAP-
TER 154 IS CREATED TO READ AS FOLLOWS:

Drafters should not arbitrarily create an artificial range of statutes within which to place a new section. A range that is identified in an introductory clause should be a series of statutes enacted and placed together with common definitions and penalties.

Some sections of bills will not be codified as part of the Kentucky Revised Statutes. Appropriation sections, effective dates, emergency clauses, repealers, construction clauses, and temporary provisions are not compiled in statutes, and sections of the bill containing provisions of this type do not use the normal

Sec. 209

introductory clause. An appropriation, for instance, begins this way: "Section 21. There is appropriated _____."

Sec. 208A. Repealing and Reenacting Existing Statutes

A section of the statutes may be repealed and reenacted, with or without changing its text. This procedure is described in KRS 446.145.

If a statute is repealed and reenacted with no changes, its text should be set forth in the bill without underlining, bracketing, or striking through any language. The introductory clause should follow this form:

Section 2. KRS _____ is repealed and reenacted (or "reenacted as a new section of KRS Chapter _____," if appropriate) to read as follows:

If the bill reenacts and amends a section of the statutes and makes changes in its text, the new language should be underlined and the deleted language should be bracketed and struck through. The introductory clause should read like this:

Section 5. KRS _____ is repealed, reenacted (or "reenacted as a new section of KRS Chapter _____," if appropriate), and amended to read as follows:

A section may be repealed and reenacted with totally new text. In that case, or if the new version of the section is so different that bracketing and underlining are impracticable, the whole of the new text should be set forth in the bill and underlined. The introductory clause should follow this form:

SECTION 1. KRS _____ IS REPEALED AND REENACTED (or "REENACTED AS A NEW SECTION OF KRS CHAPTER _____," if appropriate) TO READ AS FOLLOWS:

Sec. 209. Body of the Bill

The principal functions of a statute are (1) to create, (2) to impose a duty or obligation, (3) to prohibit, and (4) to confer a power or privilege.

The bill may contain any number of sections and provisions, so long as they all relate to the single subject expressed in the title. There is no limit to the number of details allowed in a bill or to its length. Every provision, however, must be germane to the subject of the bill. A bill that embraces two totally different subjects will be void. In cases of doubt, it is better to draft separate bills than to include provisions of questionable relationship to the title in a single bill.

Sec. 209

The substance of a bill is divided into sections. Short sections enable the drafter to present ideas clearly, make the sense of the bill easier to grasp, and facilitate amendment by subsequent legislatures. Generally, each distinct proposition should be a separate section, divided into as many subsections as necessary. Section catchlines — the boldface phrases that precede KRS sections — are not shown within a bill draft but are added during codification.

Each amendment of an existing section of the statutes should be a separate section of the bill, commencing with an amending clause. Each new statute section created also should be a separate section of the bill. These rules apply even if the bill has only one section.

The minimum requirements for any bill are a title, an enacting clause, and a single section for the body. Longer and more comprehensive bills may be divided into a number of parts. If a bill has been divided into parts, sections of the bill should still be numbered in a single sequence throughout the bill, not numbered in separate sequences for each part.

The body of a bill should be set forth in an orderly arrangement, with a logical sequence of provisions. Rules of English composition should be observed, and the insertion of an unrelated provision in a section should not be tolerated. Good organization makes the bill easier to write, to understand, and to enforce. The more complicated the provisions, the more important it is to arrange them properly.

For bills creating a new range of statutes intended to be codified together as a distinct unit, the preferred arrangement of provisions is given below. Each part should constitute a separate section or sections of the bill.

TITLE

ENACTING CLAUSE

BODY

1. New substantive provisions
 - a. Definitions
 - b. Main provisions
 - c. Penalties
 - d. Short title (if necessary)
2. Conforming amendments to existing statutes
(in order by their KRS numbers)
3. Repeals
4. Appropriations
5. Temporary provisions and construction clauses

Sec. 210

6. Emergency clause or special effective date

For bills whose provisions are spread out among several chapters and are not intended to be codified together, the drafter should arrange the sections in a logical manner to facilitate understanding of the operation of the bill. The suggested order is given below. Each part should constitute a separate section or separate sections of the bill.

TITLE

ENACTING CLAUSE

BODY

1. Main substantive provisions (new and amended)
2. Conforming amendments to existing statutes
(in order by their KRS numbers)
3. Repeals
4. Appropriations
5. Temporary provisions and construction clauses
6. Not-to-be-codified short title (if necessary)
7. Emergency clause or special effective date

Sec. 210. Penalties

Frequently, the sponsor of a statute wants sanctions imposed for its violation. Normally, these are criminal sanctions. In this case it is necessary to use particular care in writing the elements of the crime. If the elements of the crime are not clearly and simply stated, a court may be able to declare the statute unconstitutional due to vagueness. Thus, the format of the Penal Code (KRS Chapters 500 to 534) is frequently used. This is a strict outline format with the penalty as the last section.

If the drafter is adding a section to the Penal Code, he or she must utilize the Penal Code format and penalty structure. The penalty structure of the Penal Code is: capital offense, Class A felony, Class B felony, Class C felony, Class D felony, Class A misdemeanor, Class B misdemeanor, and violation. Capital offenses and felonies result in the death penalty or imprisonment in the penitentiary as possible penalties. Misdemeanors result in jail time, fines, or both. Violations result in fines only. The drafter should check the Penal Code for the specifics of each of these penalties.

If the drafter is creating a criminal offense elsewhere in the statutes, the Penal Code penalty structure or the Penal Code format is not controlling. In many chapters, the Penal Code format is used for the offense, while the penalty is found at the

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end of the chapter in a “.990” section.

Traditional penalties result in fines or imprisonment. In most cases, if the imprisonment is to be served in the penitentiary, the offense is a felony. If the imprisonment is to be served in the county jail, the offense is a misdemeanor. In Kentucky the practice has been that offenses with more than a year of imprisonment are felonies and those with sentences of up to one year are misdemeanors. There is no distinction in the amount of a fine between misdemeanors and felonies.

With regard to imprisonment, various qualifying terms may be used. Maximum sentences are always specified; sometimes minimum sentences are specified. Other terms include permitting the sentences to be served on weekends or other times convenient to the defendant. Sometimes statutes prohibit probating part of the sentence or increase the penalty for repeated offenses. Sometimes the first or second offense might be a misdemeanor and subsequent offenses felonies.

Fines provide a virtually unlimited source of variation. The most commonly used provisions are minimum and maximum fines, but others, such as requiring the fine to be double or triple the amount of gain from the commission of the offense, requiring the fine to be double or triple the damage caused, or making each day a separate offense for fine purposes, are also relatively common. Daily fines are particularly common in regulatory offenses where many defendants are wealthy and can afford to pay minor fines as a cost of doing business.

Additional monetary penalties, other than fines, are sometimes imposed. Court costs, restitution to victims (either in the amount stolen or in the amount of damage), making the defendant pay the costs of prosecution, requiring payment of a service fee to be divided among state agencies, and similar items have been required under state or federal law.

Various nonmonetary penalties have been imposed over the years and sometimes prove effective. Typical nonmonetary penalties include: seizure and forfeiture of property used to commit a crime; seizure and forfeiture of the proceeds of crime; seizure and forfeiture of things purchased with proceeds of the crime; revocation, suspension, or denial of licenses (motor vehicle operators, professional, occupational, etc.); forfeiture of public office; prohibition against holding public office; prohibition against engaging in certain professions or activities; required education, reeducation, or repassing of tests; required medical or psychological treatment (drug treatment for certain drivers, etc.); and prohibitions against engaging in certain types of business.

The type and range of penalty are virtually unlimited; however, several considerations emerge. The penalty must not be cruel or unusual. This constitutional prohibition generally refers to physical cruelty and torture. A more practical con-

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sideration is that the penalty chosen, or the combination of penalties chosen, should be designed to protect the public, deter criminal activity, and neither be so lenient or so strict as to be disproportionate. Penalties that are too lenient do not discourage criminal activity and may, in fact, enhance certain types of violations, particularly where the defendants can afford to pay a fine or to weather the penalty easily. In this case the fine or other penalty may become a permit fee for violation of the law. If the penalty is too strict or is felt to be disproportionate to the crime, the public, through jurors or judges, will not impose the penalty or will seek ways to get around its imposition through suspending the sentences or similar tactics. In this case, police and prosecutors quickly learn that the penalty will not be enforced, and enforcement may slacken.

In creating penalties that fit a crime, the drafter should look at the crime and look at the most frequent violators or potential violators of the law, and then consider what penalty would most likely deter the crime or constitute an adequate public sanction for its commission. Large fines, seizure of assets and property, and repayment of costs of prosecution may deter criminal activity by corporations or affluent defendants but have little meaning to those without financial resources. Imprisonment has an effect on anyone who might be incarcerated, and it can be utilized without regard to financial resources as a deterrent. Suspension or revocation of licenses has been found effective against professional misconduct in some cases.

Drafters need to think about the costs of imposing certain types of penalties, particularly incarceration. Imprisonment in the penitentiary creates a long-term cost for the state; imprisonment in a county jail creates a cost for county government. Thus, other programs are being used either in lieu of incarceration or as an adjunct thereto. For example, there are work-release programs for misdemeanants requiring releasees to pay all or part of the costs of incarceration; home incarceration programs requiring the defendants to stay in their homes with approved monitoring devices (which the defendants pay for); intensive probation; and community service.

Whichever penalty or combination of penalties is chosen, careful consideration of all of the above factors combined with careful drafting is necessary, as criminal statutes are more narrowly construed by the courts and are construed in favor of the defendant.

Sec. 211. Repeal Clause

One of the most important steps in drafting a bill is to study the statutes on the subject. If a bill conflicts with or supersedes existing statutes, the prior law should be expressly repealed.

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Statutes to be repealed are specifically enumerated in a special section of the bill:

Section 15. The following KRS section is repealed:

202.200 Judge to prepare history of patient's case.

or

Section 15. The following KRS sections are repealed:

202.200 Judge to prepare history of patient's case.

202.220 Commonwealth's or county attorney to furnish information.

202.270 Pauper idiots, epileptic and harmless lunatics — disposition of.

The catchline of the section being repealed must appear alongside the section number, which must be checked carefully for accuracy. To repeal legislation enacted at the current session, name the bill number and the section number to be repealed.

It is important that the introductory clause for sections that are repealing statutes end with "repealed."; this is necessary for identification of these statutes in LRC's computerized conflict-identification program. Also, each section being repealed must be listed as a separate indented paragraph; you may not specify a range of statutes or a complete chapter.

If KRS sections are to be repealed on a date other than the effective date of the bill, use an introductory clause like this:

Section 10. Effective January 1, 2000, the following KRS sections are repealed:

If a bill contains repeals that take effect on different dates, use a separate section for each date.

If your bill repeals any statutes, identify references in other statutes to the section being repealed. Use the computer to search the statutes or check with the secretary of the Reviser of Statutes. Those sections containing reference to repealed sections must be amended.

Prior law is not ordinarily revived when the law that repealed it is itself re-

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pealed. The old law cannot be reactivated by repealing the statute that superseded it.

When an existing statute section is repealed, the penalty section of the same chapter should be checked to determine if there are penalties for the section to be repealed; if so, they should be repealed.

The drafter should not rely on repeal by implication, because it requires the courts to decide if conflicts exist between the new and prior laws. A new law supersedes prior laws that are in direct conflict, but much confusion can be avoided by directly repealing conflicting laws or by amending them to conform.

To protect specific prior law from implied possible repeal, a bill may state that no conflict is intended. This should be done by a not-to-be-codified construction clause. For example:

Section 19. This Act shall not be construed as repealing any of the laws of the Commonwealth relating to the pollution of the waters thereof, or any conservation or mining laws, but it shall be held and construed as ancillary and supplemental thereto.

Sec. 212. Effective Date or Emergency Clause

Legislation takes effect ninety days after the close of the session, unless the bill sets a later date or contains an emergency clause. The delay between passage and effect allows time for persons to become familiar with the law and to comply with its provisions.

An emergency clause requires the concurrence of a majority of members elected to each house. The phrase “and declaring an emergency” must be included in the title. The clause should constitute a legislative finding of the facts creating the emergency, and these facts should be stated. For example:

Section 30. Whereas it is increasingly difficult to obtain the required number of qualified persons for jury service, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

In some bills, it may be necessary to make the effective date correspond to the beginning of a fiscal year (July 1) or a calendar year, to expedite administration. A schedule of different effective dates for different sections may be established, if the act requires that administrative machinery be set up prior to full operation. For example:

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Section 40. This Act takes effect January 1, 2000.

or

Section 10. Sections 1 to 6 of this Act take effect July 1, 1999.

Any effective date earlier than ninety days after *sine die* adjournment makes the bill an emergency and will require a reason and concurrence of a majority of members elected.

A special-effective-date provision should ordinarily be the final section in a bill.

Sec. 213. General Guidance on Statutory Construction

General information and guidance on statutory construction may be found in KRS Chapter 446, which contains information on many diverse subjects. These rules of construction apply to the entire Kentucky Revised Statutes unless a specific statute specifies another type of construction. Reference to KRS Chapter 446 may eliminate the necessity to draft specialized construction provisions for a statute under consideration. Each bill drafter should be thoroughly familiar with the provisions of this chapter.

Sec. 214. Use of Bill Drafts from Previous Sessions

In some instances, the sponsor may request that a bill from a previous session of the General Assembly be prepared for introduction at a current session. The drafter must carefully check the previous draft to update any dates, references to agencies or officers, and other material in the bill necessary to bring the proposal into conformity with current conditions. Necessary constitutional and statutory checks should not be omitted since legislation or court decisions may have affected the proposal since the time of its original drafting.

Sec. 215. Use of Bill Drafts from Other Jurisdictions

A drafter can often find laws from other states that contain provisions that the drafter desires to include in a bill draft. In those cases, the drafter must be careful to make the necessary changes in the other state's laws to make them conform with officers and agencies in Kentucky.

The bill drafter should check cases interpreting the other state's law. If cases dealing with the constitutionality of the law are found, the drafter should check the Kentucky Constitution to determine if there might be a constitutional problem if the other state's law were to be enacted in this jurisdiction.

The drafter should also contact the state agency that enforces the law to determine if there are problems with its administration. It may be helpful to contact the legislative service agency for information.

Chapter 3

STYLE AND LANGUAGE

Sec. 301. Introduction

Bills should be drafted to attain the greatest possible accuracy and clearness of meaning, presented in unambiguous language. Simplicity is highly desirable when it can be achieved without loss of meaning. Observe accepted rules of form and grammatical construction, as in general composition. The United States Government Printing Office *Style Manual* may be used to check particular questions of style, or examples of the point in question may possibly be found in the latest official edition of the Kentucky Revised Statutes.

Bear in mind Lord Bryce's observation: "In point of form, the merit of law consists of brevity, simplicity, intelligibility and certainty so that its provisions may be quickly found, easily comprehended, and promptly applied."

Specific Rules on Drafting

Sec. 302. Language

Use correct English. Use language so clear that it conveys the same meaning to every intelligent reader.

Under KRS 446.015, all bills introduced in the General Assembly are required to be written "in nontechnical language in a clear and coherent manner using words with common and everyday meanings."

Sec. 303. Use of "Shall" and "May"

A duty, obligation, or prohibition is best expressed by "shall," and a power or privilege is best expressed by "may." "Shall" should never be used to express the future. Its proper function is mandatory, and generally its use is permissible only when "must" or "has a duty to" could be substituted. In statutory usage "shall" does not denote the future tense any more than "may" does.

Sec. 304. Tense and Mood

Use the present tense and the indicative mood. Avoid using the passive voice.

A statute is regarded as constantly speaking. It speaks as of the time when it is read or applied. It must, therefore, be written in the present tense, except for

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stating a condition precedent to its operation, which should be phrased in the perfect tense if it is required to be completed before the statute applies.

Sec. 305. Consistency and Parallelism

Use the same arrangement of text and the same form of expression throughout, unless the meaning requires variations.

Maintain parallelism in structure. For example, if a list of “the following duties” begins with gerunds (receiving, reviewing, issuing, etc.), do not shift to nouns (maintenance, licensure, etc.) or infinitives (to maintain, to license, etc.).

Sec. 306. Choice of Words and Phrases

Select short, familiar words and phrases that best express the intended meaning according to common and approved usage.

Do not use synonyms, and do not use the same word in different senses.

Use pronouns only if their antecedents are unmistakable.

Make free yet careful use of possessive nouns and pronouns.

Do not use the words “said,” “aforesaid,” “hereinabove,” “beforementioned,” “whatsoever,” or similar words of reference or emphasis.

Avoid using the word “such” as an adjective where an article or demonstrative pronoun may be used.

Do not use the expression “and/or.”

Do not use contractions.

Omit every needless word.

If a word has the same meaning as a phrase, use the word.

Use the shortest sentences that bring out the meaning intended.

Sec. 307. Sex-Neutral Language

KRS 446.020(2) provides that “[a] word importing the masculine gender only may extend and be applied to females as well as males.” This widespread and long-standing drafting convention permits masculine pronouns (he, him, his) to be

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used in a generic sense including both men and women when referring to an antecedent that may be either a man or a woman (a person, the member, the Governor). Nevertheless, unless an unnecessarily lengthy, clumsy, or ambiguous construction would result, using the masculine pronouns to cover all persons can and should be avoided by drafting in a way to avoid the pronoun, by repeating the noun instead of using a pronoun, or by using -- in moderation -- both masculine and feminine pronouns together ("he or she," "him or her," "his or her"). Generally accepted sex-neutral terms (e.g., the chair, a reasonable person, workers' compensation) should be preferred to sex-specific ones (the chairman, a reasonable man, workmen's compensation), but artificial terms (waitperson, watchperson, personhole) or devices (s/he, he/she, she/he) that have not gained general acceptance should not be utilized in bill drafts.

Sec. 308. Punctuation

Punctuate carefully. Recast the sentence if a change in punctuation might change its meaning.

Ordinarily, use commas to separate the items in a series. Be sure to place a comma before the conjunction following the next-to-last item in the series (e.g., "red, white, and blue"; NOT "red, white and blue"). Omitting a comma before the conjunction can create an ambiguity. Use semicolons for series of items containing commas and at the end of elements that have been tabulated.

Parentheses should not ordinarily be used within statutory text.

In expressing a fraction in words, use a hyphen between the elements of the fraction, but omit this hyphen between the numerator and denominator of a fraction when a hyphen appears in either or both of these elements. For example,

one-tenth (1/10)	thirty-five sixtieths (35/60)
three-fourths (3/4)	twenty-two thirty-fifths (22/35)
seven one-hundredths (7/100)	two-thirds (2/3) of an inch

Sec. 309. Spelling

Use the preferred standard spelling for words rather than variant forms. A list of preferred spellings for some commonly occurring words may be found as Appendix C to this manual.

Sec. 310. Definitions

Use definitions only:

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- (a) When a word is used in a sense other than its dictionary meaning or is used in the sense of one of several dictionary meanings;
- (b) To avoid repetition of a phrase; or
- (c) To limit or extend the provisions of the act.

Do not write substantive provisions or artificial concepts into definitions.

If a bill contains a group of sections intended to be codified together as a distinct unit, place definitions at the beginning of that group of sections.

Use the defined word, not the definition.

Sec. 311. Expressions of Limitation

If a provision is limited in its application or is subject to an exception or condition, it will frequently promote clarity to begin the sentence with the limitation, exception, or condition, or with an expression calling attention to any limitation that follows.

For conditions, use “if,” not “when” or “where.”

Sec. 312. Provisos

Avoid “provided that” and “provided, however,” unless absolutely necessary. Never use these terms to introduce an additional statement that can be expressed in a separate sentence. The words “if” and “except” are much more exact and can often be used instead of “provided.”

Sec. 313. Section Breakdown

If a section covers a number of contingencies, alternatives, requirements, or conditions, break it down into subsections designated by Arabic numbers in parentheses. If necessary, break down subsections into paragraphs designated by small letters in parentheses. Do not break down a paragraph unless this is unavoidable; if a further breakdown is necessary, designate subparagraphs with Arabic numbers without parentheses. An illustration of the manner of breaking down a section is given as Example 1 in Appendix B.

Use separate sections for separable provisions.

Sec. 314. Purpose Clause or Policy Declaration

Many times lawyers and others desire to incorporate as a part of the law a so-called preamble or policy declaration. This practice is contrary to the highest standards of drafting. The only purpose such a provision can serve is to give the general purpose of the legislature in adopting the enactment. If the language of a bill is not sufficiently clear to make its purpose plain, it is not properly drafted. In most cases, do not create a section of the statutes for this type of clause.

Sec. 315. Severability or Separability Clause

A severability clause ordinarily is not necessary because both statute and common law make statute provisions severable. KRS 446.090 provides that if any part of a statute is held unconstitutional "the remaining parts shall remain in force, unless the statute provides otherwise, or unless the remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional part that it is apparent that the General Assembly would not have enacted the remaining parts without the unconstitutional part, or unless the remaining parts, standing alone, are incomplete and incapable of being executed"

If a legislator insists upon such a clause, however, it should read as follows:

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

If the legislator wants the bill to be nonseverable, the bill drafter should include a nonseverability clause.

Sec. 316. Short Title

A short title is not necessary for most bills, because legislation is commonly cited by statute number, not by title. A short title may be useful if a bill establishes a continuing program of considerable importance.

If a bill consists of a number of sections spread out among several chapters of the statutes, a short title given to the bill should not be enacted into codified law. The not-to-be-codified section creating the short title should ordinarily be placed at the very end of the bill, or as the next-to-last section if the bill contains an emergency clause or special effective date provision. For example:

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Section 20. This Act may be cited as the Interlocal Cooperation Act.

If a group of sections is to be codified together as a distinct unit in a single chapter of the statutes, any short title should be enacted into codified law as the last section of this group within the bill. For example:

SECTION 10. A NEW SECTION OF KRS CHAPTER 213 IS CREATED TO READ AS FOLLOWS:

Sections 1 to 10 of this Act may be cited as the Kentucky Vital Statistics Act.

Sec. 317. Abbreviations

Abbreviations should not be used in a bill, except that the abbreviation “KRS” should be used in citing particular sections of the Kentucky Revised Statutes.

Sec. 318. Capitalization

In most cases, the rules contained in the *Style Manual* of the United States Government Printing govern capitalization in bill drafting for the General Assembly of the Commonwealth of Kentucky. This policy attempts to make statutory practice more nearly conform to “common and everyday” usage. A summary of major provisions of this policy is set out below. Appendix D, beginning at page 83, provides a list of examples.

Capitals should be used for:

- Commonwealth, when referring to the Commonwealth of Kentucky;
- The first word of a sentence or of a formally introduced series of items or phrases following a colon;
- The first word of each entry of an enumeration paragraphed after a colon;
- The word “Act” for a particular legislative act and “Section xx” for a particular section within an act;
- The full or short title of a particular state or federal act;
- The words “Chapter,” “Article,” “Subchapter,” and “Subtitle” in references to specific divisions within the Kentucky Revised Statutes (e.g., KRS Chapter 224, Article 2A of KRS Chapter 355);
- The General Assembly, its component houses, the Legislative Research Commission, and legislative committees and task forces when their full names are used;
- The name of an executive department, commission, or agency when named in full;

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The Court of Justice and its component parts;
Nouns or adjectives forming an essential part of a proper name, such as a particular county, river, or state; and
Titles of *elected* public officials who are elected to an office by a statewide vote or who exercise statewide jurisdiction or authority.

Capitals should *not* be used for:

Appointive state officers; county, municipal, and district officers;

Substitutes for official titles, such as the board, the court, the commissioner, except for “the Commission” when referring to the Legislative Research Commission;

Federal and state, when not part of a proper name; or

The words “chapter,” “section,” “article,” “subchapter,” or “subtitle” when not followed by a number.

Sec. 319. Citations

All section and chapter references to the Kentucky Revised Statutes must be carefully checked for accuracy using the latest edition.

References to an existing range of statutes should be to “KRS xxx to xxx.” Do not use the word “through” in range references. Under KRS 446.120(2), when a reference is made to several sections connected by the word “to,” the reference includes both the sections whose numbers are given and all intervening sections.

Session laws are cited as “1990 Ky. Acts ch. xxx, sec. xxx” or “1991 (1st Extra. Sess.) Ky. Acts ch. xxx, sec. xxx,” for extraordinary sessions.

Laws passed during an ongoing session are cited as “Senate Bill (or House Bill) xxx of the 2xxx Regular Session of the General Assembly,” using the number that appears on the enrolled copy.

A section of the Kentucky Constitution is cited as “Section xxx of the Constitution of Kentucky.”

As a general rule, for existing statutes that are included within a bill, it is better to cross-reference to them in new language by their section numbers with the bill than to use their KRS numbers. That is, it is better to say “**Section 12 of this Act**” than to say “**KRS 156.760**.” This puts the reader on notice of the fact that the statute in question is within the bill and gives him or her the section number where

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it can be found.

Drafters should be specific in making internal cross-references to provisions within a particular act. Do not use ambiguous phrases like “according to the provisions of this Act” or “as provided by this Act.” Instead, refer directly to the section or sections treating the matter, e.g., “according to Section 4 of this Act,” “as provided by Sections 4, 5, 6, 7, and 8 of this Act.” In some cases, the reference may be made to “this chapter” or “this section.” Generalized references to “this Act” create difficulties in codification.

References to a range of sections within a particular bill (e.g., “as provided by Sections 6 to 10 of this Act”) should be used only if that group of sections is intended to be codified as a distinct unit within the Kentucky Revised Statutes with a common subject matter, definitions, penalties, and the like.

Sec. 320. Numbers

Cardinal numbers should ordinarily be expressed in words followed by a numeral enclosed in parentheses, except for:

- a. Section numbers within an act;
- b. Citations to statutes, constitutional provisions, case reports, and the like;
- c. Dates and times (as discussed in Sec. 321);
- d. Numeric entries in a table or schedule; and
- e. Numbers in noncodified text.

In expressing cardinal numbers in numeric parentheticals, ordinarily use common fractions instead of decimal fractions, e.g., one-half (1/2) *not* (0.5); four-tenths (4/10) *not* (0.4). For percentages with fractions, prefer decimal fractions, unless the fraction cannot be expressed as a terminating decimal, e.g., two and one-half percent (2.5%); one and one-fourth percent (1.25%); one-half of one percent (0.5%); *but* thirty-three and one-third percent (33-1/3%).

Ordinal numbers should be expressed in words without any numeric representation in parentheses, e.g., “the third reading of the ordinance,” *not* “the 3rd reading” or “the third (3rd) reading.”

Never use Roman numerals; Arabic numerals are preferred in all cases.

The general rule for cardinal numbers set out in paragraph 1 of this section

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applies to measurements, e.g., six (6) feet *not* six feet (6'); ten (10) inches *not* ten inches (10").

Sec. 321. References to Time

Dates should be expressed as follows: June, 2004; June and July, 2004; June 1, 2004; June, July, and August, 2004. For dates without a year, use "June 1" or "the first day of June"; never use "June 1st" or "the 1st day of June."

Time should be expressed as follows: 2 p.m. *not* 2:00 p.m. or 2 o'clock p.m.; 2:30 p.m.; 12 noon *not* 12:00 noon or 12 p.m.; 12 midnight *not* 12:00 midnight or 12 a.m.

Sec. 322. Monetary Amounts

In the body of a bill, sums of money are expressed in words, with "dollars" or "cents" written out. A numeric representation should ordinarily be placed after the expression in words. In these parenthetical references, use the following forms: (\$10) *not* (\$10.00); (\$0.50) *not* (50¢); (\$0.001) *not* (1/10 of 1¢).

Figures may be used for an enumeration of monetary amounts, such as in the budget bills, in lists of fees, and in tables.

Other Stylistic Considerations

Sec. 323. Divisions Within a Bill

Each distinct subject should be a separate section of a bill, divided into subsections when necessary. There can be no definite rule as to how much should be placed in one section, but generally the contents of a section should correspond to the contents of a paragraph in ordinary composition.

Sec. 324. Sections

Each section of a bill begins with the word "Section," spelled out in full and followed by an Arabic number, then followed by the appropriate introductory clause. Section headings describing the section are not part of the law and should not be used in a bill. They are supplied by the reviser when the law is incorporated into the Kentucky Revised Statutes. A section may be a complete paragraph or may be made up of several subsections, each beginning a paragraph and designated by an Arabic number in parentheses.

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Sections and subsections are numbered consecutively throughout the bill. The Reviser of Statutes has authority to rearrange sections when incorporating an act into the statutes.

Sec. 325. Subsections

Each subsection is usually a complete sentence or group of sentences. For enumerations, a subsection may be further divided into a series of paragraphs following a colon, each starting with lowercase letter in parentheses, indented, and all except the last paragraph ending with a semicolon. Paragraphs may also be used as independent divisions within a subsection.

The sections of a bill may be divided into subsections, paragraphs, subparagraphs, and subdivisions. See Sec. 313. If a section seems to require further division beyond subdivisions, consider reconstructing it or arranging it into multiple sections.

Sec. 326. Words and Phrases

Select words and phrases carefully to attain clarity and precision of meaning. Use plain and unambiguous words, because laws are read by nonattorneys and nonspecialists, and they should be easily understood. Avoid ambiguous, indefinite, or superfluous words and phrases.

Sec. 327. Statutory Definitions

Certain words are defined by law (KRS 446.010) and apply to all statutes. These are some of those universal definitions:

Action includes all proceedings in any court;

Attorney means attorney at law;

Bequeath and *devise* are synonymous;

Bequest and *legacy* embrace either real or personal estate, or both;

Cattle includes horse, mule, ass, cow, ox, sheep, hog, and goat;

City includes town;

Company may include any person, partnership, joint stock company, or association;

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Directors of corporations include managers and trustees;

Domestic corporation means one formed by authority of this state;

Federal refers to the United States;

Issue, as applied to the descent of real estate, includes all lawful lineal descendants;

Land or *real estate* includes lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest;

Legatee and *devisee* are synonymous;

May is permissive, *shall* is mandatory;

Oath includes affirmation;

Peace officer includes sheriffs, constables, coroners, jailers, marshals, policemen, metropolitan and urban-county government correctional officers, and persons with similar authority to make arrests;

Penitentiary includes all state penal institutions except the houses of reform;

Person may extend to bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, limited liability partnerships, joint stock companies, and limited liability companies;

Personal estate includes chattels and real and other estate that passes to the personal representative upon the owner dying intestate;

Sworn includes affirmed;

United States includes territories, outlying possessions, and the District of Columbia;

Vacancy in office applies whether occasioned by death, resignation, removal, or otherwise;

Violate includes failure to comply with;

Will includes codicils.

Under KRS 446.020, a word importing the masculine gender may extend to females. For a discussion of sex-neutral language in the Kentucky Revised Stat-

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utes, see Sec. 307 of this manual.

Under KRS 446.020, a word importing the singular number may extend to several persons or things.

Sec. 328. Other Suggestions on Wording

Good drafting requires that ambiguous, redundant, or unnecessarily complicated terms be avoided. The following phrases do not add to the clarity or meaning of a bill and should not be used unless they are absolutely necessary:

AVOID	USE
And/or	“and” for a conjunctive, “or” for a disjunctive
Any and all	(either word)
At the time	when
And the same hereby is	is
Bonds, notes, checks, and other evidences of indebtedness	evidences of indebtedness
Either directly or indirectly	
Except where otherwise provided	
Final and conclusive	final
Full force and effect	“force” or “effect”
Hereafter	after the effective date of this Act
Herein	in this chapter, in this section, in this subsection (as appropriate)
Hereinbefore or hereinafter	(the specific section number)

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In event that, in case	if
Is authorized, is empowered	may
Is defined and shall be construed to mean	means
Is hereby required to	shall
It shall be lawful	may
Latin words	(an English equivalent)
Means and includes	either “means” or “includes” as appropriate
Null and void and of no effect	void
Order and direct	(either word)
Ordered, adjudged, and decreed	adjudged
Person of suitable age and discretion	adult
Provided that . . .	(see Sec. 312)
Provision of law	law
Provisions of this Act	(a reference to the specific section or sections of the Act)
Sole and exclusive	exclusive
This Act	"Section ____ of this Act" or "Sections ____ to ____ of this Act"
Until such time as	until
Whenever	if

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Whomsoever, whatsoever

This list of terms to avoid is neither complete nor binding in all cases. As a general rule, however, prefer the simpler term to the more complex, and be as direct and explicit as possible.

Chapter 4

SPECIAL TYPES OF LEGISLATIVE DRAFTING

Sec. 401. Introduction

Some particular subjects of legislation recur frequently and require special treatment in drafting. This chapter treats drafting considerations in several of these areas.

Sec. 402. Constitutional Amendments

Constitutional amendments may be proposed in either house of the General Assembly at a regular session. If approved by three-fifths of all members elected to each house, the proposed amendment is submitted to the voters at the next general election for members of the House of Representatives. Not more than four amendments may be submitted at one time. An amendment may relate to one subject or to multiple related subject matters, and it may amend or modify as many articles or sections of the Constitution as necessary and appropriate to accomplish the objectives of the amendment (Const., § 256).

In Kentucky, constitutional amendments are drafted as bills, rather than as resolutions, although they do not require the Governor's approval. The customary title for proposing an amendment is: "AN ACT proposing an amendment to Section xx of the Constitution of Kentucky relating to _____."

A section proposing an amendment to the Constitution requires a special introductory clause. In most cases, the clause should resemble one of the following two examples:

Section 2. It is proposed that Section 157 of the Constitution of
Kentucky be amended to read as follows:

or

SECTION 5. IT IS PROPOSED THAT A NEW SECTION BE ADDED
TO THE CONSTITUTION OF KENTUCKY TO READ AS FOLLOWS:

The final section of a bill proposing a constitutional amendment should read as follows:

Section 2. This amendment shall be submitted to the voters of the
Commonwealth for their ratification or rejection at the time and in the
manner provided for under Sections 256 and 257 of the Constitution
and under KRS 118.415.

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Unless otherwise provided in the resolution, constitutional amendments are effective upon ratification by the voters.

Sec. 403. Classification of Cities

In November 1994, the voters of Kentucky ratified a constitutional amendment that repealed former Section 156 of the Constitution, which provided for classification of cities into six classes based on population. The same amendment created a new Section 156a that authorizes the General Assembly to create “such classifications of cities as it deems necessary based on population, tax base, form of government, geography, or any other reasonable basis and enact legislation relating to the classifications” and provided that “[t]he classification of all cities and the law pertaining to the classifications in effect at the time of adoption of this section shall remain in effect until otherwise provided by law.” Because the General Assembly has not yet acted to provide for a new method of classification of cities, the classifications under the former section 156 are still in effect.

Section 156 of the Constitution established six classes of cities and directed the General Assembly to assign cities to the classes to the appropriate classes, changing assignments as the population of cities changes. The classes, set by the Constitution, are:

1st class	100,000 or more
2nd class	20,000 to 99,999
3rd class	8,000 to 19,999
4th class	3,000 to 7,999
5th class	1,000 to 2,999
6th class	less than 1,000

Cities are assigned to the proper class according to their population, as shown by the last federal census.

The usual form of bills to change the classification of cities is as follows:

AN ACT changing the classification of the City of Silver Grove, in
Campbell County.

WHEREAS, satisfactory information has been presented to the

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General Assembly that the population of the City of Silver Grove, in Campbell County, is such as to justify its being classified as a city of the fifth class;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The City of Silver Grove, in Campbell County, is transferred from the sixth to the fifth class of cities.

Under KRS 81.032 to 81.036, prior to the reclassification of a city by the General Assembly, the legislative body must provide a certified resolution of the population to the General Assembly. This resolution must include the population of the area based on the most recent United States census. However, a city may by affidavit submit information showing new growth since the last census. The city must show by documentation that it meets the population requirements of Kentucky Constitution Section 156 in order to be reclassified.

This information must be recorded with the summary of the legislative proposal in the official record of the General Assembly.

If the city is reclassified, the General Assembly must provide the Secretary of State with notice of the reclassification and a copy of the certified information presented to the General Assembly.

Sec. 404. Judicial Legislation

Sections 112 and 113 of the Constitution provide that the General Assembly, upon certification of the necessity therefor by the Supreme Court, may reduce, increase, or rearrange the judicial districts and circuits. No county may be divided in making these districts and circuits. Additionally, upon certification of the necessity therefor by the Supreme Court, the number of District and Circuit Judges may be increased or decreased.

Bills creating or changing judicial circuits commence with a preamble. Then, following the enacting clause, they amend the statutes to provide for the new circuit, create the new division of an existing circuit, or make the other desired changes. For bills creating new circuits, provision must be made for the election of the new judge and Commonwealth's attorney, along with provision necessary to protect the present Commonwealth's attorney.

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Sec. 405. Creating Agencies, Boards, or Commissions

The following outline sets out points to be considered when creating an agency, board, or commission:

- A. Name of agency, board, etc.
- B. General purpose.
- C. Independent agency or assigned to department, cabinet, etc.
- D. Board members:
 - (1) Appointed (at large, from lists, by Governor), elected.
 - (2) Number.
 - (3) Term of office (4-year limit).
 - (4) Staggering of first terms.
 - (5) Succession of members.
 - (6) Removal. For cause. For missing meetings.
 - (7) Pay. How much. Unpaid.
 - (8) Reimbursed for travel and other expenses.
- E. Board:
 - (1) Chair: how selected, term, how removed, pay.
 - (2) Duties.
 - (3) Administrative regulations promulgation.
 - (4) Advisory only. Direct agency operations.
 - (5) Hear appeals.
 - (6) Set standards.
 - (7) Manage day-to-day practices of agency.
 - (8) Appoint executive director.
- F. Licenses, certifications, permits:
 - (1) Training required for application.
 - (2) Examinations, reexaminations.
 - (3) Qualifications for applicants.
 - (4) Length of time license, etc., is valid.
 - (5) What does license, etc., authorize one to do?
 - (6) Relicensure, recertification.
 - (7) What terms, conditions, or standards for relicensure?
 - (8) Discipline of licensees.
 - (9) Fees for licenses, etc.

- (10) Who administers program?

G. Agency orientation toward licensees:

- (1) Friendly.
- (2) Hostile.

H. Hearings:

- (1) For what?
- (2) Who conducts?
- (3) Notice and due process.
- (4) Appeals within agency.
- (5) Appeals to Circuit Court.
- (6) Limitations on appeals (board acted in bad faith, procured by fraud, etc.).

I. Employees:

- (1) How many?
- (2) How funded?
- (3) Attached to board, agency; come from other agency.
- (4) Duties.
- (5) Personal service contracts.
- (6) Where does day-to-day administrative help come from?
- (7) Merit system, nonmerit system.

J. Offenses:

- (1) Operation without license.
- (2) False statement on license application, etc.
- (3) Evil conduct or immoral conduct of licensee.
- (4) Negligence of licensee.
- (5) Failure of licensee to follow law or agency regulations.
- (6) Incompetence of licensee.
- (7) Licensee does not keep up training.
- (8) Licensee does not pay license fee on time.
- (9) Persons do not secure required permit.
- (10) Persons violate agency regulations.
- (11) Persons violate statute relating to agency.

K. Penalties:

- (1) Civil — administered by agency. Tried in court.

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- (2) Criminal.
- (3) Administrative.
- (4) Fine? Maximum. Minimum.
- (5) Jail? Maximum. Minimum.
- (6) Suspension of license, certification, etc. How long?
- (7) Revocation of license, certification, etc.
- (8) What does it take to get license back?
- (9) Appeals from agency penalty decisions.

L. Funding the agency:

- (1) General fund appropriation.
- (2) Fees.
- (3) Taxes for agency operations.
- (4) Federal and outside sources of revenue.
- (5) Do the funds available meet the fiscal needs of the agency?
- (6) Have all costs of operation been taken into account?

Licensing Boards. In drafting a bill creating a licensing or regulatory board, a good model to follow is KRS Chapter 323, Architects.

Advisory Commissions. A good model for a bill creating an advisory commission is KRS 439.302 to 439.306, the Commission on Correction and Community Service.

When providing staggered terms for the initial members of a new board or commission, consider placing the staggering provisions in a separate section of the bill that is not to be codified. It should be remembered that the maximum term of office, unless the Constitution specifies otherwise, is four years.

Sec. 406. Authority to Promulgate Administrative Regulations

KRS Chapter 13A establishes a detailed procedure for the promulgation of administrative regulations by executive agencies and for their review by the legislative branch. The drafter should keep in mind the following points when granting an entity the authority to promulgate administrative regulations.

Draft in terms of “administrative regulations.” Do not use “regulations” or “rules and regulations”; do not authorize an administrative body to promulgate “policies and procedures.” If necessary, authorize it “to establish policies or procedures by the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A.”

Grant authority to “promulgate” administrative regulations. Do not use “adopt”

or “promulgate and adopt” as the empowering verb.

The following examples illustrate specific authorizations for the promulgation of administrative regulations.

The [administrative body] shall implement the provisions of Sections 1 to 10 of this Act through the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A.

The [administrative body] shall establish license fees by the promulgation of administrative regulations in accordance with provisions of KRS Chapter 13A.

The [administrative body] shall establish the procedure for appeals of its decisions by the promulgation of administrative regulations in accordance with provisions of KRS Chapter 13A.

If a bill draft establishes every requirement relating to a specific subject, do not authorize or require the administrative body to promulgate administrative regulations establishing those requirements. For example, if a bill draft establishes age requirements for licensure, the types of licensure, continuing education requirements, disciplinary matters, appeals, and fees, do not authorize the administrative body to cover these same topics by administrative regulation. If the draft contains a comprehensive scheme only as to some topics, limit the authority to promulgate administrative regulations to those areas of the agency’s jurisdiction not within the comprehensive scheme.

The authority to promulgate administrative regulations is required, even in detailed bill drafts, if an administrative body is required to comply with federal requirements or chooses to adopt the standards established by national professional or standards organizations.

If prior approval of an administrative body’s proposed administrative regulation by another administrative body or state official is required, state this clearly. For example:

The cabinet shall submit the Kentucky Emergency Operations Plan to the Governor for approval and promulgation.
(Here, the Governor is to promulgate the administrative regulation.)

Before filing a proposed administrative regulation containing the Kentucky Emergency Operations Plan, the agency

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shall submit the plan to the Governor for approval. (Here, the Governor must approve the regulation, but the agency is the promulgating authority.)

When a statute sets out a fee schedule with specificity, there is no need for authority to be granted for the establishment of fees by administrative regulation. If a bill's sponsor wants an administrative body to establish fees for certain items, specific authority should be set out to promulgate administrative regulations for these fees, and, if desired by the sponsor, a ceiling for these fees may be set out in the enabling statute. For example:

(1) By administrative regulation promulgated in accordance with the provisions of KRS Chapter 13A, the board shall establish fees for:
(a) Initial licensure;
(b) Licensure renewal;
(c) Examinations; and
(d) Continuing education courses.

(2) No fee shall exceed two hundred fifty dollars (\$250).

(Language similar to subsection (2) should be used if the sponsor desires a ceiling to be set.)

In preparing a bill draft, the drafter should discuss with a bill's sponsor what areas, if any, the sponsor wishes to leave to the discretion of an administrative agency through the promulgation of administrative regulations. Areas for consideration include fees and fee ceilings, hearing procedures, the establishment of forms, and what official or administrative body is to be given the authority to promulgate administrative regulations.

Sec. 407. Bills Confirming Reorganizations

Under KRS 12.028(5), a temporary reorganization that is not confirmed by the General Assembly at the next regular session after its issuance terminates ninety days after sine die adjournment of that session. That subsection also provides that "[t]he subject matter of each executive order relating to reorganization shall be presented to the General Assembly in a separate bill." Where a subsequent reorganization amends an earlier one and cannot stand on its own, the plans together constitute in effect a single subject matter and should be treated in a single bill.

The complexity of the bill draft confirming a reorganization can vary from a single noncodified section to a lengthy bill with both codified and noncodified sections. This will vary depending upon how involved the reorganization is and whether existing statutes need to be amended or repealed or new statutes need to be created to treat organizational units or administrative bodies dealt with in the

reorganization.

The promulgating authority is required by KRS 12.028(5) to recommend legislation to the General Assembly to confirm a temporary reorganization plan. It is the assigned LRC bill drafter's responsibility in putting the authority's recommendation into a bill draft to locate statutes that need to be amended or repealed, to determine if new statutes need to be created, and to make sure that the noncodified provisions within the bill are in proper form and cover all necessary matters. Here are some specific points that the drafter should remember in preparing a bill draft confirming an executive reorganization:

Title. The title of reorganization bill drafts is typically "AN ACT relating to reorganization." It is not necessary to include in the title the name of the organizational unit or administrative body or the number of the executive order being confirmed.

KRS 12.020. This statute lists the departments, program cabinets and their departments, and major administrative bodies in the executive branch of state government. It will need to be amended to reflect the elimination or change of name of any entity already listed within it or to add any new entity that is created in a reorganization bill that is of the level shown by the listing. Departments and major offices within a cabinet are shown in this outline; organizational units at a level lower than departments (e.g., divisions, branches, sections, units) are not set out in KRS 12.020. Boards, authorities, commissions, and other entities with regulatory or decisional powers are set out under the organizational unit to which they are attached for administrative purposes; advisory boards and commissions are not included within the statute's listing.

Search for Affected Statutes. If the reorganization order eliminates or changes the name of any entity, the drafter should search for that entity's name in the statutory database to see if there are any statutes with references to that name that need to be included in the bill for amendment or repeal. In doing this, the drafter should search by using the main subject within a name (e.g., "Child Support Enforcement" rather than "Division of Child Support Enforcement"). Sometimes entities' names are shown in an inverted or abbreviated form (e.g., Natural Resources Cabinet) or in a combined form (the Economic Development and Labor Cabinets), and using the full name of an entity as the search phrase will not find these references. While using a key element within a name as the search phrase may result in a number of false hits, it should find any variant forms that a full name search would miss. It is a good idea for the drafter to leave a sheet in the bill folder indicating the names of entities searched with the statute numbers of relevant statutes found in the search.

What Needs To Be Codified? The entire organizational structure of a

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cabinet is not set out in the statutes. Departments and major offices of a cabinet listed in KRS 12.020 typically are set out in a statute in the specific chapter that deals with that cabinet. Divisions within departments are often set out for cabinets that have major regulatory or administrative authority. One possible test for determining whether or not to include a newly created organizational unit within a cabinet's statutory structure is to see if its predecessor is referenced in existing statutes setting out duties, imposing obligations, or protecting rights. It may also be necessary to provide for a new unit in a cabinet's statutory structure if the reorganization plan requires the creation of new statutes to treat new duties, obligations, or rights involving that unit.

The creation of a new administrative body may require the enactment of new statutes if that body is permanent in nature and has continuing and significant responsibilities, e.g., an oversight function, the development and periodic review of standards, or the promulgation of administrative regulations on a subject.

The Noncodified Provision Confirming the Executive Order. At or near the end of each reorganization bill confirming an executive order, there should be a noncodified section specifically dealing with the underlying executive order or resolution. Under KRS 12.028, the Governor, other elected state executive officers, and the Kentucky Economic Development Partnership may make a temporary reorganization. The executive order or resolution should be identified with specificity. For gubernatorial reorganizations, use "Executive Order xx-xx, dated (month, day, year)."

If a reorganization bill deals with organizational units that do not need to be set out in the statutes and if the bill does not require the amendment, repeal, or creation of any statutes, a single noncodified section may be all that is necessary to confirm the reorganization. This section should describe generally what the executive order involves but should not include all of its terms and provisions. For example, 1994 Ky. Acts ch. 115 has only the following provision:

Section 1. The General Assembly hereby confirms Executive Order 92-502, dated May 19, 1992, which changes the name of the Division of Program Services within the Department of Local Government to the Division of Administrative Services. The Division of Administrative Services shall be responsible for all the administration and fiscal programs of the department, including personnel and payroll administration and computer support.

If a reorganization bill requires that some statutes be amended, repealed, or created to effectuate its confirmation, then the noncodified section confirming the executive order should include a qualifier ("to the extent it is not otherwise

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confirmed by this Act”). An example of this is found in 1996 Ky. Acts ch. 263, here slightly modified:

Section 2. The General Assembly confirms Resolution 95-1 of the Kentucky Economic Development Partnership, relating to the reorganization of the Department of Financial Incentives, to the extent it is not otherwise confirmed by this Act, this resolution having been made by the Kentucky Economic Development Partnership under the powers and authorities granted to the partnership by KRS 154.10-010, 154.10-030, and 12.028.

In acting on a reorganization plan, the General Assembly may make changes to it, either in to-be-codified or in noncodified sections. When changes are made, the qualifier in the noncodified section confirming the underlying executive order should read “to the extent it is not otherwise confirmed or superseded by this Act.” Here is an example of this situation from 1996 Ky. Acts ch. 310:

Section 6. The General Assembly confirms Executive Order 94-6, dated January 3, 1994, to the extent it is not otherwise confirmed or superseded by this Act.

Other Noncodified Provisions. It may be necessary to include provisions in noncodified language to deal with transition between organizational units or administrative bodies, the terms of members of an administrative body, or other temporary matters. 1996 Ky. Acts ch. 310 contains the following examples:

Section 7. Upon establishment of this commission, the KentuckyServe Advisory Board created by Executive Order 93-86 shall be disbanded and its duties to oversee the KentuckyServe effort are hereby delegated to the new commission.

Section 8. The initial membership of the Kentucky Community Service Commission shall consist of those individuals appointed by the Governor in Executive Order 94-6, dated January 3, 1994, and the terms of these initial members shall expire on the dates set out in that order.

Chapter 5

FORM OF RESOLUTIONS

Sec. 501. Introduction

Resolutions are expressions of the opinion, sentiment, or will of the General Assembly. They need not meet the requirements for passage prescribed by the Constitution, unless they have the force and effect of law, in which case they are treated as bills in all respects. The Constitution requires that all resolutions requiring a vote of both houses, except those on a question of adjournment or constitutional amendment, must be sent to the Governor for approval or veto (Const., §§ 89, 256).

There are three types of resolutions: simple, concurrent, and joint. The drafter should exercise great care in selecting the right kind for the purpose to be accomplished. The type of resolution chosen determines the legislative action required, and use of an incorrect form may delay the progress of the resolution in the General Assembly.

A resolution consists of a title, a preamble, a resolving clause, and a body.

The title states the type and subject of the resolution. It should be clear and concise, giving a fair description of the resolution's content.

The preamble - (one or more paragraphs that begin with the word "WHEREAS") sets forth the situation or condition concerning which the resolution proposes action. Language in a preamble may be more rhetorical than in other forms of legal composition, but florid or discursive writing has no place in a resolution.

The resolving clause ("Be it resolved...") is equivalent to the enacting clause of a bill and must be included in the exact form shown in the examples below. The form of the resolving clause depends on the kind of resolution and whether the action of one or both houses is required.

The paragraphs that come after the resolving clause set forth the action proposed and are equivalent to the body of a bill. They comprise the matter that is resolved by the General Assembly.

Sec. 502. Simple Resolutions

A simple resolution deals with the affairs of one house only and requires

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action only by the legislative chamber concerned. It is used to:

- (a) Express an opinion or principle of one house;
- (b) Express an opinion or request to the other branch;
- (c) Regulate procedure and conduct of the body; or
- (d) Convey to the Legislative Research Commission a request for services or recommendation for action.

A sample simple resolution is:

A RESOLUTION declaring January 31, 1996, to be Kentucky Adult Education Day.

WHEREAS, a fully skilled adult population is necessary for the development of Kentucky's economy; and

WHEREAS, adult education enhances and expands economic growth in Kentucky;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. This honorable body declares January 31, 1996, to be Kentucky Adult Education Day.

Section 2. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to John Doe, 123 Main Street, Lexington, Kentucky 40507.

Sec. 503. Concurrent Resolutions

A concurrent resolution expresses principles and opinions of the legislature. It is without force outside the confines of the General Assembly and is used to:

- (a) Authorize expenditure of legislative funds;
- (b) Authorize interim committees;
- (c) Authorize joint rules, sessions, or committees;

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- (d) Express the General Assembly's recognition of service or sorrow over a death;
- (e) Memorialize Congress or a federal agency;
- (f) Notify the Governor of the organization or adjournment of the General Assembly;
- (g) Receive messages; or
- (h) Direct the Legislative Research Commission to conduct a study or investigation.

An example of the form for a concurrent resolution is:

A CONCURRENT RESOLUTION requesting and petitioning the United States Department of Agriculture to provide free seeds for the restoration of pastures and meadows in Kentucky destroyed by the drought of 1953.

WHEREAS, the severe drought of 1953 caused such damage to and destruction of the pastures and meadows of Kentucky as to constitute the entire state a disaster area;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The Department of Agriculture of the United States is

Concurrent resolutions are used for legislative study resolutions. This topic is discussed in Sec. 506 of this manual.

Sec. 504. Joint Resolutions

A joint resolution generally has the force and effect of law and is treated as a bill in the parliamentary process, but it deals with individual, unusual, temporary, or subordinate legislation. It is used to:

- (a) Accept gifts or grants made to the state;

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- (b) Appropriate money for some temporary purpose;
- (c) Designate the state poet laureate, etc.;
- (d) Give specific directions to some state officer or agency;
- (e) Refer a matter to the people for referendum;
- (f) Ratify a proposed amendment to the United States Constitution; or
- (g) Direct an executive agency to conduct a study.

The proper form for a joint resolution is:

A JOINT RESOLUTION authorizing and directing a comprehensive study of the workers' compensation program in Kentucky, and making an appropriation therefor.

WHEREAS, it is the responsibility of the legislature to guarantee a workers' compensation system to provide adequate benefits to injured workers at a fair and equitable rate to employers; and

WHEREAS, disabled workers and their families in Kentucky must subsist on a maximum of \$131 per week; and

WHEREAS, many serious questions have been raised regarding the ratemaking procedures utilized by the National Council on Compensation Insurance (NCCI) especially in the areas of classification and experience rating; and

WHEREAS, it has been reported that the results of an audit of the National Council directed by the state of South Carolina raised serious questions about the ratemaking procedures used by the National Council and the adequacy of its rates;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Governor shall hire a consulting firm to conduct a comprehensive study of the state's workers' compensation program. The consulting firm shall be charged with the responsibility to study and make recommendations on:

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(1) The procedures utilized by the National Council on Compensation Insurance in workers' compensation rate calculation, with particular emphasis on the fairness and adequacy of the classification and experience rating systems;

(2) The level of workers' compensation premiums as compared to premium levels in other jurisdictions, using reasonable and reliable factors for comparison;

(3) The development of computer systems within Kentucky to effectively monitor the workers' compensation program in Kentucky;

(4) The feasibility of creating a competitive state fund or alternative system as another method available for purposes of insuring liability under KRS Chapter 342; and

(5) The feasibility of creating a competitive pricing mechanism for workers' compensation rates in Kentucky.

Section 2. There is hereby appropriated from the general fund the sum of \$150,000 to accomplish the study. Any amount remaining following the completion of the study shall revert to the general fund. The study shall begin not later than August 1, 1980, and the report and recommendations shall be submitted to the Legislative Research Commission no later than July 1, 1981.

Sec. 505. Special Types of Resolutions

Many resolutions concern petitions to federal or state agencies, directives to state agencies, or requirements for studies to be conducted. The following suggestions reflect usage and custom in the first two of these cases. Study resolutions are treated in Sec. 506.

Petitions or Memorials. Concurrent resolutions may be used to request Congress or some federal agency to take specific action to remedy a situation. The preamble describes the problem to be remedied. The resolution requests specific action and directs the clerk to forward copies of the request to the persons petitioned or memorialized.

Directives to State Agencies. The General Assembly may use a joint resolution to direct specific action by a state agency. The most common directive is for studies to be made by the legislature.

Sec. 505

Sec. 506. Study Resolutions

Resolutions directing legislative studies should be concurrent resolutions pursuant to Senate Rule 64 and House Rule 65. A joint resolution should be used only if an executive agency is directed to do the study or if a specific appropriation is attached to the study. It is a rare occurrence for an appropriation to be attached to studies to be done in-house. Generally, the cost of LRC studies comes from the regular LRC budget.

The preamble (“WHEREAS” clauses) of a study resolution should provide background on why the study is being proposed.

It is important to make sure that the resolving clause is in the correct form for the type of resolution being drawn. (See Secs. 503, 504).

After the whereas and resolving clauses, Section 1 of the body of the resolution should request or direct the appropriate entity (LRC, an Interim Joint Committee, a Special Task Force) to do the study and set out the purpose of the study. Options are to:

- (a) Direct or request the LRC to have a study conducted;
- (b) Direct or request the LRC staff to conduct a study;
- (c) Direct or request the LRC to have an interim joint committee or statutory committee conduct a study;
- (d) Direct or request LRC to establish a special task force;
- (e) Direct an executive agency to conduct a study. (This must be done by a joint resolution.)

Section 2 of the resolution should define membership, if the study group is other than LRC or an interim or statutory committee.

(a) In defining membership remember that normally *all appointments to legislative task forces should be made by the LRC or the President and the Speaker*. These are *legislative* study groups and LRC or its co-chairs are the appropriate appointing authorities, although others may *recommend* appointments to LRC or to the President or Speaker.

(b) Resolutions should provide for LRC or the President and Speaker to appoint the co-chairs from among the legislative members.

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(c) There is no need to mention expenses in most concurrent or joint study resolutions. LRC has guidelines in place for paying legislators and nonlegislators alike, and these will automatically apply.

(d) If you want to authorize a legislative task force or committee to conduct public hearings or to meet more frequently than once a month, these must be made subject to LRC approval. Special task forces or committees are allowed to meet monthly, and LRC must approve any committee wanting to meet more often than that. Study resolutions should be drafted consistent with that practice.

(e) If you want to authorize a legislative task force or committee to retain a consultant to assist with the study, this must be made subject to LRC approval.

The next section should set out the questions to be addressed more specifically. As far as possible, these should be stated as researchable questions and not policy determinations.

Reporting requirements and a deadline should be established. Indicate to what group the study should be reported and the reporting deadline. Usually the report is to the LRC for their referral to the appropriate interim joint committee. Because these are legislative study groups, reports are not usually made to the Governor. Contact the Research Coordinator for a deadline. Whenever possible, the deadline will be prior to the next session. In some cases, because of the nature of the subject, the study may carry over to the following year.

Include the language required by Senate Rule 64 and House Rule 65 in its own section. The language reads as follows:

Provisions of this resolution to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof, and to designate a study completion date.

Index all study resolutions or amendments directing studies under the heading, 8010 STUDIES DIRECTED.

You may, at times, also be asked to prepare an amendment to change a bill to a study resolution. This is done by using noncodified language containing the various sections noted above, except the “whereas” clause. Contact a Statute Reviser for additional information on this format. Be sure to notify the Research Coordinator when this occurs.

Sec. 507

Sec. 507. Legislative Citations

For the purpose of extending the commendations, condolences, or congratulations of either house of the General Assembly, or to recognize a particular event or occasion, a “Legislative Citation” may be issued. Citations are not resolutions and may not be used for procedural matters, for matters of a controversial or partisan political nature, or in place of resolutions memorializing the United States Congress; they are suitable only when appropriate to express the sentiment of either house with reference to a person or event.

Citations do not proceed from one house to the other but stand adopted upon action by the house in which they originate.

Citations are prepared in single copy on artistically designed forms, suitable for framing, bear the signature of the sponsor and the name of the person or event cited, and upon adoption are spread at length upon the Journal.

Those called on to draft legislative citations prepare the draft on a suitable work form, which is then transmitted to the clerk for final typing and presentation to the sponsor.

Legislative citations avoid the printing and other procedural complexities attendant upon simple resolutions; and under the rules, resolutions are not to be accepted for introduction if the same action may be taken by adoption of a legislative citation.

Chapter 6

CONSTITUTIONAL CONSIDERATIONS

Sec. 601. Introduction

The bill drafter needs to be thoroughly familiar with constitutional limitations on legislation. Although it is not his or her job to rule on the constitutionality or merit of a bill, the drafter should bring to the sponsor's attention any proposal that appears to contravene constitutional restrictions. The careful drafter will check court decisions to see if similar legislation previously has been declared unconstitutional. If so, it may be possible to draft the new legislation to overcome the objections in the court's decision.

Sec. 602. Rights of Individuals

The most fundamental restrictions on legislative powers are those defined by the Bill of Rights (Ky. Const., §§ 1 to 26). The General Assembly may not deprive persons of the right to life, liberty, property, the pursuit of happiness, peaceable assembly, bearing arms, or redress of grievances; prohibit religious freedom and give preference to any church or creed; restrict freedom of speech or of the press; grant exclusive emoluments or privileges except for public service; or take property for public use without compensation. Accused persons have the right to *habeas corpus*, to know the charges against them, to secure witnesses, and to testify in their own behalf; they may not be compelled to testify against themselves. The use of the courts for redress of injury may not be denied, and the amount to be recovered for injuries to person or property may not be limited. The General Assembly may not pass bills of attainder, enact ex post facto laws, or impair the obligation of contracts.

Sec. 603. Local and Special Legislation

No special law may be enacted in any case where a general law may be made applicable, nor may any locality be exempted from the operation of a general act (Const., §§ 59, 60). A "special" law is one that applies only to particular persons, places, or things, or that separates them from the whole class to which the law might otherwise apply. A "local" law is one that operates within territorial limits other than the whole state or a properly constituted class therein.

In connection with local laws, or laws operating in local areas, Section 60 of the Constitution should be kept in mind. It reads:

Sec. 603

The General Assembly shall not indirectly enact any special or local act by the repeal in part of a general act, or by exempting from the operation of a general act any city, town, district or county; but laws repealing local or special acts may be enacted. No law shall be enacted granting powers or privileges in any case where the granting of such powers or privileges shall have been provided for by a general law, nor where the courts have jurisdiction to grant the same or to give the relief asked for. No law, except such as relates to the sale, loan or gift of vinous, spirituous or malt liquors, bridges, turnpikes or other public roads, public buildings or improvements, fencing, running at large of stock, matters pertaining to common schools, paupers, and the regulation by counties, cities, towns or other municipalities of their local affairs, shall be enacted to take effect upon the approval of any other authority than the General Assembly, unless otherwise expressly provided in this Constitution.

Local or special acts in the following cases are expressly prohibited by Section 59 of the Constitution:

- Regulating the jurisdiction, practice, or circuits of the Court of Justice and its judges and justices;
- Regulating the summoning, impaneling, or pay of jurors;
- Changing venue;
- Regulating punishment of crime or misdemeanor;
- Regulating the limitation of civil or criminal cases;
- Affecting the estate of persons under disabilities, decedents, or minors;
- Declaring persons of age or affecting the status of a minor;
- Changing the law of descent or distribution;
- Authorizing the adoption or legitimation of children;
- Granting divorces;
- Changing the names of persons;
- Giving effect to invalid instruments;
- Legalizing invalid acts of public officers;
- Refunding money legally paid into the Treasury;
- For assessment and collection of taxes;
- For opening or altering private roads;
- Chartering corporations, licensing ferry, bridge, or road companies, declaring streams navigable, regulating toll roads, or regulating the running at large of stock;
- Changing fees of public officers or authorizing appointment of deputies;
- Granting the right to lay railroad tracks;
- Conducting elections;
- Designating the places of voting or changing the boundaries of precincts;
- Regulating the interest rate;

Sec. 606

Creating, extending, enforcing, impairing, or releasing liens;
Protecting fish and game;
Regulating labor, trade, mining, or manufacturing;
Providing for the management of common schools;
Locating or changing county seats;
Providing for local elections on the sale of liquor;
Restoring citizenship to persons convicted of crime.

Sec. 604. Revenue and Debt

Some of the more important constitutional provisions concerning the General Assembly's fiscal powers are:

No money shall be drawn from the Treasury except pursuant to law (Const., § 230);
Revenue bills must originate in the House (Const., § 47);
The power to tax property may not be surrendered or suspended (Const., § 175);
Debt may not be contracted in excess of five hundred thousand dollars (Const., § 49);
Certain debt may not be authorized without approval of the voters (Const., § 50);
Taxes may be levied only for public purposes (Const., § 171).

Sec. 605. Public Officers

Certain restrictions regulate bills pertaining to public officers:

Salaries or compensation of public officers may not be changed during the term for which they were elected (Const., §§ 42, 44, 120, 161, 235);
Compensation may not exceed constitutional limits (Const., § 246);
Appointment of an officer must be for a certain term of years (Const., § 23);
All officers, except for statewide elected officers, must be elected in even-numbered years (Const., §§ 31, 95, 97, 99, 167).

Sec. 606. Other Limitations

Other important restrictions on legislation include:

Regular elections must be held on the first Tuesday after the first Monday in November (Const., § 148);
Local referendum elections are permitted only on matters pertaining to liquor, public roads and buildings, fencing, common schools, paupers, local government affairs, and stock running at large (Const., § 60);
No bill may relate to more than one subject, and that shall be expressed in the title (Const., § 51);
Statewide referendum elections are permitted only on the issues of contracting

Sec. 606

debt and classifying property for taxation, except for ratification of constitutional amendments or calls for a constitutional convention (Const., §§ 50, 171, 256, 258).

Chapter 7

AMENDMENTS AND SUBSTITUTES

Sec. 701. Introduction

This chapter contains provisions that drafters should observe in order to maintain accuracy and uniformity in the preparation of amendments and committee substitutes. Some sample amendments can be found in Appendix D.

Sec. 702. The Amendment Form

LRC's word processing system is used to generate all amendment forms. The forms are produced on the AMEND template in Word 2.0. The person typing the amendment responds to a series of prompts before entering the text into the computer.

The entire content of an amendment must be entered on the amendment form through LRC's computer system. This allows the Bill Processing Room to computer-engross adopted amendments into bills using the document ID number.

Do not photocopy paste-up versions of amendments onto amendment forms. If an amendment contains large portions of bills previously entered into our system, the drafter or secretary may gain access to that electronic information by calling the Bill Processing Room. Similarly, the text of existing KRS sections is electronically stored within agency data files and may be retrieved in double-spaced format for amendment use.

In drafting an amendment for someone else to enter into the system, use plain paper and indicate a Senate or House heading, depending on the house for which the amendment is being prepared.

Sec. 703. The Heading on the Amendment Form

The form ("House of Representatives" or "Senate" heading) to use depends on which chamber will receive the amendment you are preparing. For example, if a Senate bill is being amended in the House, use a form with a House heading.

Sec. 704. Processing the Amendment Form

Initial each amendment that you prepare next to the page number at the bottom of each page of the form. If the amendment is very long, you need only initial the first and last pages.

The amendment form contains the legislator's typewritten name and a line for

Sec. 704

his or her signature. This computer-generated form assigns page numbers and shows the total number of pages making up the amendment. Prior to delivery, all amendments must be reviewed by the reviser's office for form and content and initialed by a reviser. If possible, have the legislator sign the initial printed-out copy of the amendment before copying the number required for filing. Each house has its own rules on the number of copies that must be submitted along with the original amendment.

Sec. 705. Methods of Amending

No set words or phrases are required in describing the amendments to be made. However, use great care in adding, deleting, bracketing, and underlining material and in properly citing the page and line numbers where the changes are to be made in the bill. Some examples of amendments can be found in Appendix D of this manual.

Sec. 706. Changing a Current KRS Section, as Amended by the Bill.

The comments in this section apply when the text of the section of the bill that you are amending is preceded by the introductory phrase "KRS xxx is amended to read as follows."

If you are to delete underlined material from the section, instruct the person reading your amendment to amend the bill on a cited page and line, e.g., "by deleting the word 'government'." Do *not* bracket underlined material, since it is not in the current law.

If you are to eliminate material that is not underlined, you are taking current statutory language out of the bill and out of the law. Therefore, remove these words or phrases with brackets and strikethroughs. For example, instruct the reader to amend the bill on the cited page and line "by placing brackets around and striking through the word 'government'." The only material that is ever bracketed and struck through in a bill or amendment is current KRS language. Introductory clauses for sections, i.e., "Section xxx. KRS xxx is amended to read as follows," are not in the KRS and should be amended by deleting or adding words or numbers, and not by bracketing or inserting underlined material.

If you are to add new material to a current section of law, do so by instructing the reader to add underlined material on the appropriate page and line. For example, "by inserting the word 'government' after 'state'."

In adding, deleting, or bracketing and striking through material, be certain that the reference point you cite to the reader is unique. For example, if there are two words "to" on a given page and line, and you want to bracket and strike through

Sec. 707

the first one only, state “On page xxx, line xxx, by bracketing and striking through the first use of the word ‘to’.”

To restore the entirety of an existing KRS section to its current form rather than as amended by the bill, simply delete the appropriate section from the bill. (If you bracket the current law, you are effectively repealing it.) If you delete a section of the bill, be sure to renumber all subsequent sections accordingly. Also, check the text of the other sections in the bill, which may refer to a deleted or renumbered section, and change those references accordingly.

If you want to restore only part of an existing KRS section to its current form rather than as amended by the bill, do so by instructing the reader to delete the brackets around and strikethrough from the appropriate word or words. For example, “On page xxx, line xxx, by deleting the brackets and strikethrough from the words ‘health maintenance organization’.” If the struck-through word or words that you wish to restore are not immediately preceded and followed by brackets, you must first close the existing struck-through material with a bracket, delete the strikethrough from the text to be restored, and then place a new opening bracket before the remaining struck-through material. For example, “On page xxx, line xxx, by placing a closing bracket after the word ‘~~sheriff~~’; removing the strikethrough from the phrase “Commonwealth’s attorney,”; and placing an opening bracket before the word ‘~~special~~’.”

If you bracket and strike through part of an existing section of the KRS, you should delete, rather than bracket and strike through, any underlined bold italic words that would appear between the brackets that you have added.

Sec. 707. Changing Proposed New KRS Sections or Uncodified Sections in a Bill

Never use brackets or strikethrough to amend a section that begins “SECTION XXX. A NEW SECTION OF KRS CHAPTER XXX IS CREATED TO READ AS FOLLOWS.” Amend this type of section by instructing the reader to add (with underlining) or delete underlined material.

Never use brackets, strikethrough, or underlined bold italics to amend a section that begins “Section xxx” immediately followed by substantive material (e.g., an appropriation, an emergency clause, or repealers). Amend this type of section by simply instructing the reader to add (without underlined bold italics) or delete material.

If you add a proposed new KRS section to a bill, its text should be in underlined bold italics.

Sec. 707

Deleting a section from a bill requires that all subsequent sections in the bill be renumbered and that all internal references to deleted or renumbered sections be altered as well.

Sec. 708. Bill Title

When drafting an amendment, always check the title of the bill to see if it still applies. If necessary, a title amendment should be prepared. A title amendment is always a separate amendment to the bill and must be voted upon separately.

Titles are amended by deleting and inserting material, without brackets or underlining, or by stating simply:

amend the title to read as follows: “AN ACT relating to ____.”

and writing the new title as it should appear. When preparing the amendment, select “Title Amendment” in the box that appears on the computer screen. The computer system will insert the word “TITLE” on the amendment form.

Sec. 709. Committee Substitutes

A committee may wish to change a bill so extensively that proposing an alternative version would be preferable to attempting a series of amendments. This may be done through the adoption of a committee substitute. Ordinarily a drafter preparing a proposed committee substitute should mark up a copy of the original bill to reflect desired changes, rather than generating a new document through the bill drafting template. A proposed committee substitute is submitted to the reviser's office for review and then transmitted to the Bill Processing Room for entry and printing.

In jacketing committee substitutes, the jacket of the house of original introduction is used, even if the committee taking action is in the other house. On the jacket in the space above the bill number should be typed the words “COMMITTEE SUBSTITUTE FOR” and in the space below the words “INTRODUCED BY” should be typed the name of the committee, designating whether Senate or House committee.

Since technically it is considered an amendment, a committee substitute is always typed with the title of the original bill. If a title amendment is necessary, it is prepared on a separate amendment form, because an amendment to a title is always done by a separate vote.

Chapter 8

PREPARING SUMMARIES FOR THE LEGISLATIVE RECORD

Sec. 801. Introduction

The *Legislative Record* is the primary tool for finding bills, resolutions, and amendments during legislative sessions. Accuracy and thoroughness in summarizing and indexing items for the *Record* are essential if legislators, staff, executive agencies, lobbyists, the media, and the general public are to be able to find and understand the matters being considered by the General Assembly.

Bills and Resolutions

Sec. 802. Mechanics of Preparation of Summaries

Have the bill summary form entered on the DRAFTSUM template in LRC's computer system, using all the space you feel is necessary. When the summary form is complete, transmit it electronically to the Bill Processing Room and insert a copy in the bill folder.

Sec. 803. Preparing a Bill Summary

Having written a bill, the drafter should know best what it does. Stress the main points. A summary should express the change in the law to be achieved by the bill. If a bill creates, tell what it creates and for what purposes, but omit how the thing is created, salaries of board members or how they are appointed, their authority to promulgate regulations, and the procedure for judicial review of decisions by the board. Avoid detailed exposition of provisions. When a bill increases or decreases, always specify the previous amount. Tell how much of a change a bill makes as well as the fact that it makes a change. If a bill changes procedure for, say, selection of board members by election rather than appointment, express it that way. The phrases "instead of" and "rather than" are good tools for summaries of provisions like these.

Sec. 804. The Format for a Bill Summary

Begin each segment in your summary with the root verb. The action in the bill is in process of being accomplished. Say "create a board . . ." rather than "creates. . ." or "created. . .". The following words are most useful for beginning your segments: authorize, enable or permit, create or establish, direct or require, grant, appropriate, limit, exempt, prohibit or forbid, increase or decrease, change, reclassify (for cities), include or exclude, redefine, add, amend, repeal.

Sec. 804

In segments dealing with amendments, if the description of the subject of the action necessarily falls near the end of the segment, use the term “relating to” immediately after the number of the section amended. For example, say: “Amend KRS 287.215, relating to the State Board of Podiatry, to redefine the terms, compensation, selection, and qualifications of members.”

End each segment except the last with a semicolon. Please use articles. Try not to use the term “the Act” or “this Act” in a summary. Do not use the words “shall” or “may.” In mandatory legislation, the language “shall” is expressed in a summary by saying “require” or “direct.” Permissive language is expressed in the summary by the terms “authorize” or “permit.” Avoid the words “specify,” “provide,” and “stipulate” as segment openers unless absolutely necessary. Each segment but the first begins with a lowercase letter.

Use Arabic numerals if possible. Omit severability clauses in summarizing. Emergency clauses, however, must be indicated in the summary: simply say “EMERGENCY” as the final word in the summary. The emergency clause, if any, customarily is placed at or near the end of the bill and is preceded by a “Whereas.” If the effective date is extraordinary, say “EFFECTIVE XXXXX XXX, 2XXX” as your last segment. All such effective date and emergency segments should appear in all capital letters.

Appropriations must be in the summary, in their exact dollar amounts, expressed in Arabic numerals.

Any taxation provisions made by the bill must also be in the summary.

Do not say “first class cities” or “second class cities.” Say “cities of the first class,” “cities of the second class,” and so on.

Sec. 805. Summarizing Amendments to Existing Sections

Amendments to existing portions of the law are shown in bills by using underlined bold italics for new material and by bracketing and striking through deleted material. For example: “Possession of burglar's tools is a Class **A** ~~**B**~~ misdemeanor.” Some bills amend many sections, some only one or two. As a rule of thumb, if the bill amends more than six or seven sections, begin the summary with “Amend various sections of KRS Chapter 347” rather than using a separate “amend” phrase for each section amended, as you would if the bill amends only three or four sections. Occasionally a bill will amend one or two sections to effect a significant change in the law and will amend several other sections simply to bring them in conformity with the major change. In this case say, “Amend KRS 237.215 to increase . . . ; amend KRS 287.216 (or ‘various other sections’) to conform.”

Sec. 809A

Sec. 806. Summarizing Repealers

Bills that repeal without making any other change usually will read “The following KRS section is repealed: 84.240 Maximum property tax rate.” In this case you must look up the section and express its nature in your summary, which should read something like: “Repeal KRS 84.240, which establishes \$1.50 per \$100 of assessed valuation as the maximum property tax rate in cities of the second class.”

In other bills, several sections may be repealed when the bill makes significant changes in several existing sections or creates new sections. In this case, list in your summary each section being repealed without telling its specific content.

Sec. 807. Summarizing Constitutional Amendments

A bill enacted by the General Assembly that concerns a constitutional amendment does not amend the Constitution by virtue of its enactment. The bill merely *proposes* an amendment for consideration by the electorate. In summarizing one of these, say “Propose to amend Section 84 of the Constitution . . . ” rather than “Amend Section 84”

Sec. 808. Summarizing Resolutions

Opening verbs for resolutions are words such as: invite, petition, request, memorialize, congratulate, commend, urge, declare, commemorate, direct, etc. Form rules for bill summaries apply also to resolutions. Treat all resolution summaries as if they were bill summaries, and do not be concerned with the status of the resolution (whether it is joint, concurrent, or simple).

Sec. 809. Summarizing Companion Bills

To summarize a companion bill, simply show “Same as BR xxx” on the summary form.

Sec. 809A. Summarizing Bills That Confirm Reorganization

The summary for a confirmation bill, like any other summary, should set out the major elements of the bill in a clear and concise manner. The number of the underlying executive order or resolution should be included. House Bill 622 from the 1996 Regular Session was summarized as follows:

Amend KRS 36.010 to create, within the Department of Military Affairs, the Office of State Programs consisting of three existing divisions: Division of Administrative Services, Division of Facilities Ser-

Sec. 809

vices, Division of Air Transport, and also consisting of the Bluegrass Station Division, which is created; confirm Executive Order 94-731.

Sec. 810. Concluding Comments on Bill Summarization

All the contingencies of summarizing bills cannot be covered here. When you encounter difficulty, do not hesitate to ask questions. If in doubt about your summary, use too many words rather than too few. Summarizing bills is a task that requires a knack with words. Work rapidly and accurately. Try to review the summaries in the latest *Record* sometime before the session. A summary should depict what major thing, or things, the bill does; what changes it makes and to what extent; what main items of new law it establishes; or what it repeals. Do not try to analyze the bill. Tell what major items it affects, as succinctly and precisely as possible. Try to read the new summaries in each edition of the *Record* to keep current. (Perhaps you'll catch a few mistakes, too.)

Sec. 811. Indexing Bill Summaries

After the bill is drafted and summarized, it is necessary to index the bill. LRC staff has developed a list of index headings for use in the *Record*. Appendix F of this manual, beginning on page 111, contains the current list of index headings. An expanded version with cross-references between existing headings and from topics not having an index heading of their own is given in Appendix G.

Each index heading has its own distinctive number. Indexing is done on the LRC "Draft Summary" form, which is produced by the DRAFTSUM computer template. In order to index the bill, the drafter should select several index topics that relate to the subject matter of the bill and then place the number for each topic on the form. This keys a computerized program to place the bill under a specific index heading.

After the index heading number is selected, the drafter needs to create a subheading for the index. This subheading is placed on the "Draft Summary" form to the right of the index heading number. The subheading is designed to inform readers more clearly how the bill relates to the primary heading. Do not repeat the index heading as part of the subheading.

For instance, if the bill relates to training requirements for firefighters, the heading would be "FIREFIGHTERS AND FIRE DEPARTMENTS," which is index heading 3840. All that is necessary to place on the form relating to the heading is the number 3840. Do not repeat "FIREFIGHTERS AND FIRE DEPARTMENTS" on the form. For the subheading, the drafter would then identify how the bill related to firefighters and fire departments by placing the words "Training requirements" in the "INDEX ENTRIES" portion of the index form.

Sec. 813

Use as many primary index headings as necessary for persons looking for the bill or some of its more important features. Generally, more than one heading is required for each bill. Be certain that bills containing appropriations are indexed under “0440 APPROPRIATIONS” as well as under the normal index topics and that bills that have an emergency clause or special effective date are indexed under “3340 EFFECTIVE DATES, DELAYED” or “3342 EFFECTIVE DATES, EMERGENCY” or “3344 EFFECTIVE DATES, RETROACTIVE,” as well as under the normal index topics. For bills with emergency effective dates or appropriations, this gives notice to the public and to legislators that voting requirements for these bills are different from those for a normal bill.

Confirmation bills should be indexed for *The Legislative Record* under the heading 7370 REORGANIZATIONS, with a subheading giving the name of the organizational unit or administrative body involved and the identifying number of the executive order or resolution, e.g., “Department of Military Affairs, Executive Order 94-731.” These bills may also be indexed under the specific subject area of the organizational unit or administrative body, e.g., under 5640 MILITARY AFFAIRS with the subheading “Reorganization, Department of Military Affairs, Executive Order 94-731.”

Index entries are not digests of the bill. The drafter must be selective in what is to be included. Within each main heading, consider what is the next-most-important aspect of the bill and use that point as the beginning for your subheading. During the session, a good way to develop subheadings is to check those already existing in the *Record*.

Amendments

Sec. 812. The Amendment Summary Form

Amendment summaries are produced on a form designed especially for this purpose. The LRC group template for this form on the computer is AMENDSUM. The summary should be prepared as soon as possible after the amendment is filed.

Sec. 813. Relationship to Original Bill Summary

In most instances, the change in the bill wrought by the amendment will affect the language of the original summary. Your amendment summary, therefore, should relate to the original. For example, the bill as introduced may have proposed an annual salary increment of \$4,000. If the amendment continues the increment, but by \$3,000 rather than \$4,000, say “Increase the annual compensation by \$3,000 rather than \$4,000.” You need not repeat the office or the compensation since your reference to the original accomplishes that. If the change effected by the amend-

Sec. 813

ment is not mentioned in the summary of the original, you should summarize the amendment as if it were an original summary.

Sec. 814. Summarizing Piggyback Amendments

If your amendment attaches the provisions of a second bill to the bill you propose to amend, you need only say “attach the provisions of HB (or SB) xxx” as your amendment summary. Any change to the original bill being piggybacked should be indicated. If the second bill carries any amendments, you should indicate that.

Sec. 815. Summarizing Title Amendments

For summaries of these, say simply, “Make title amendment.”

Sec. 816. Summarizing Technical Corrections

Summaries of amendments making technical corrections to a bill need only say, “Make technical corrections.”

Sec. 817. Summarizing Committee Substitutes

These are summarized usually as if they were original bills. Relate the substitute summary to the original summary if possible. Deliver the summary to the Bill Processing Room when you deliver the bill for printing.

Sec. 818. Summarizing Emergency and Special Effective Date Amendments

If the amendment adds an emergency clause to the bill, write the summary as, “Declare an EMERGENCY.” If it applies a special effective date, say, “EFFECTIVE JULY 31, 1998.” The use of capital letters in these summaries is designed to make the emergency or special date provision stand out.

Sec. 819. Summarizing Same-As Amendments

Occasionally, identical amendments will be filed to the same bill. For your summary of these, say “Same as HFA(3)” or “SCA(1),” or whatever amendment is being repeated. On the index lines, say, “Same as (whichever bill and amendment).”

Sec. 822

Sec. 820. Indexing Amendment Summaries

For the most part, indexing amendment summaries follows the same procedures as indexing bill summaries. A few specific points are treated in the sections that follow.

Sec. 821. Indexing Title Amendments and Technical Corrections

For amendments changing titles or making technical corrections, simply list the bill number under the appropriate heading, “8140 TECHNICAL CORRECTIONS” or “8220 TITLE AMENDMENTS.” All that goes on the entry line on the form is the number of the bill being amended. Omit the amendment number.

Sec. 822. Indexing Piggyback Amendments

The heading for indexing piggyback amendments is “6460 PIGGYBACKED BILLS.” For the entry under this heading, use the format, “SB 72 to HB 4.” Use no other heading for a proposed piggyback amendment. Please be particularly alert for piggyback amendments.

Chapter 9

PRODUCTION OF BILLS

Sec. 901. Form of Bills

Senate Rule 50 and House Rule 50 set out the requirements relating to the form of bills for each house of the Kentucky General Assembly. Both rules provide that “[a]ll bills introduced shall be printed on the computerized bill preparation system of the Legislative Research Commission, and none otherwise prepared shall be accepted for introduction.”

Sec. 902. Entry of Bills into LRC’s Computerized Bill Preparation System

The Legislative Research Commission computerized bill preparation system is based on templates and macros created in Microsoft Word for Windows, version 2.0c. The system pulls up statutes from an internal statutory database maintained by the Legislative Research Commission. Although preliminary drafts of bills may be generated by LRC committee staff themselves using the BDRAFT template in Word for Windows, the final copy used for jacketing and introduction is produced by LRC’s Bill Processing Room staff.

In developing a bill draft, the drafter should ordinarily have the preliminary draft reviewed by Statute Revision staff and entered by the Bill Processing Room before circulating it to the sponsor. Modifications can be made through subsequent revisions if necessary. Rough drafts done by the drafter on the BDRAFT template should not be generated for circulation.

Drafts produced with the BDRAFT template should be e-mailed to the Bill Processing Room at the time the bill folder is submitted for review. On a draft prepared with the BDRAFT template, the drafter should mark with a highlighter changes within statutes being amended; it is easy for an isolated change to be overlooked by the bill processing staff. In drafts and revisions done by marking up photocopied or printed text, handwritten changes should not be made in black ink, but by using a pen with some other color of ink, so that the alterations can be readily identified. Drafters should write legibly, printing the text if their handwriting cannot be easily read.

Sec. 903. Proofing Bills

Bill Processing Room staff does not simply copy over a draft prepared with the BDRAFT template into the document used for the official version of the draft. Instead, they create a new document, pulling up the existing statutes and

Sec. 903

making the indicated additions and brackets and strikethrough shown in the submitted copy. This is necessary to make sure that parts of existing statutes are not inadvertently omitted by drafters using the BDRAFT template and that new text to be added is not shown as existing text in a statute. Using the BDRAFT template does enable the Bill Processing Room to copy sentences, paragraphs, and new sections from the drafter's preliminary draft to their document; this speeds up the process and helps eliminate typographical errors that might otherwise occur in retyping text.

A drafter must carefully proof bill drafts generated by the LRC Bill Processing Room against the original copy of the bill draft submitted by the drafter. On a marked-up copy, it is easy for a drafter's or reviewer's notations to be misread and mistyped by the person who is entering the text. Statutory citations in new language should have been verified prior to the submission of the draft or revision for review; the drafter should make sure that the citations were correctly typed or brought over from the submitted copy. A typographical error, if not corrected, may change the meaning of a measure or invalidate it entirely.

When a draft generated by the Bill Processing Room is ready for proofing, the drafter receives a call from bill tracking staff. It is the personal responsibility of the assigned drafter to make sure that the draft produced by the Bill Processing Room accurately reflects his or her submitted copy with any modifications made by the bill reviewer from statute revision. Except in extraordinary circumstances, this proofing should be done by the assigned drafter and should not be delegated to some other person. Taking the time to do a careful, thorough, and unhurried proofing is essential to ensure accurate bill drafts; doing this can avoid unnecessary amendments during the legislative process and prevent errors within enacted legislation.

Appendix A

Appendix A

FINAL CHECKLIST FOR DRAFTER

- Is the appropriate type of measure used?
- If enacted, will the law accomplish its purpose?
- Are constitutional limits on legislation observed?
- Does the title express the subject adequately?
- Is the enacting or resolving clause in the proper form?
- Is each distinct part a separate section?
- Are cross-references to other sections within the bill correct?
- Are provisions of the bill properly integrated with existing law?
- Are all conflicting statutes specifically repealed?
- Have all statutes citing repealed statutes been amended?
- Are references to the Kentucky Revised Statutes accurate?
- Are titles of public officers, agencies, and institutions exact?
- Is the bill free from ambiguities and conflicts?
- Is the style clear and understandable?
- Has the draft been spellchecked?

Appendix B

SAMPLE BILL FORMATS

Example 1

AN ACT relating to _____ .

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER ____ IS CREATED TO READ AS FOLLOWS:

(1) Text

(2) Text

(a) Text

(b) Text

(3) Text

(a) Text

1. Text

2. Text

(b) Text

1. Text

2. Text

a. Text

b. Text

(4) Text

SECTION 2. A NEW SECTION OF KRS CHAPTER ____ IS CREATED TO READ AS FOLLOWS:

Text

Section 3. KRS 5.010 is amended to read as follows:

(1) Current text **new text** ~~[deleted text]~~

(2) Current text

Appendix B

(3) New text

Section 4. KRS 5.020 is amended to read as follows:

(1) Current text

(2) ~~[Deleted subsection]~~

~~(3)~~ Current text

Section 5. The following KRS section is repealed:

5.030 Scope and applicability.

(Be sure to check the number of the repealed statute for in-text references to the number you are repealing.)

NOTES: (1) In an amendment of an existing statute new material (which is underlined) comes before the old material that is being removed (which is ~~[bracketed and struck through]~~). (2) When removing an entire subsection in a section of the statutes, remember to renumber the remaining subsections. You must also do this when adding new subsections.

Appendix B

Example 2

Title	AN ACT relating to _____, making an appropriation therefor, and declaring an emergency.
Enacting Clause	<i>Be it enacted by the General Assembly of the Commonwealth of Kentucky:</i>
Definitions	<p>SECTION 1. A NEW SECTION OF KRS CHAPTER ____ IS CREATED TO READ AS FOLLOWS:</p> <p><u>As used in Sections 1 to 4 of this Act, unless the context requires otherwise:</u></p> <p><u>(1) " _____ " means _____ : and</u></p> <p><u>(2) " _____ " means _____ .</u></p>
Main Provisions	<p>SECTION 2. A NEW SECTION OF KRS CHAPTER ____ IS CREATED TO READ AS FOLLOWS:</p> <p>_____</p> <p>_____</p>
Penalties	<p>SECTION 3. A NEW SECTION OF KRS CHAPTER ____ IS CREATED TO READ AS FOLLOWS:</p> <p><u>Any person who violates the provisions of Section 2 of this Act shall be fined \$xxxx.</u></p>
Short Title	<p>SECTION 4. A NEW SECTION OF KRS CHAPTER ____ IS CREATED TO READ AS FOLLOWS:</p> <p><u>Sections 1 to 4 of this Act may be cited as the "Bill Drafting Manual Act."</u></p>
Amendments to Conform	<p>Section 5. KRS ____ is amended to read as follows:</p> <p>_____</p> <p>_____</p>
Repeal	<p>Section 6. The following KRS sections are repealed:</p>

Appendix B

123.456 Annual report -- Filing requirement -- Fee.

543.210 Appeal procedure.

Appropriation	Section 7. To carry out the purposes of this Act, there is appropriated to _____ out of the _____ fund in the State Treasury the sum of _____dollars for the _____ fiscal year.
---------------	---

Temporary Provisions and Construction Clauses	Section 8. This Act shall not be construed as repealing any of the laws of the Commonwealth relating to _____, but shall be held and construed as ancillary and supplemental thereto.
---	---

Emergency Clause	Section 9. Whereas _____ , an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.
---------------------	---

Appendix C

LIST OF PREFERRED SPELLINGS AND USAGES

aboveground (adj.), NOT above ground

acknowledgment, NOT acknowledgement

antidiscrimination. NOT anti-discrimination (similarly other words beginning with "anti")

a historical site, NOT an historical site

an habitual violator, NOT a habitual violator

at-large (when used as an adjective phrase preceding a noun, e.g., an at-large member) BUT OTHERWISE at large (e.g., a member at large, elected at large)

attorney-at-law, NOT attorney at law

attorney-in-fact, NOT attorney in fact

audiovisual, NOT audio-visual

biannual, DO NOT USE; use either semiannual or biennial, as appropriate

biennial; use in the sense of “occurring every two years” or “continuing or lasting for two years”; DO NOT USE biannual

buses, NOT busses

by-product, NOT byproduct

bylaws, NOT by-laws

canceled, canceling, NOT cancelled, cancelling

cancellation, NOT cancelation

charter county government, NOT charter-county government

closely held (adj.), NOT closely-held

co-chair, co-chairman, NOT cochair, cochairman

Appendix C

commingled, NOT comingled

composed of, NOT comprised of

cost-benefit analysis, NOT cost benefit analysis, cost/benefit analysis

counseling, NOT counselling

court-appointed (adj.), NOT court appointed

cross-examine (-examination), NOT cross examine NOR crossexamine

database, NOT data base

drugstore, NOT drug store

employee, NOT employe

ex officio, NOT ex-officio

firefighter, NOT fire fighter NOR fireman

firefighting, NOT fire fighting

fireman, SEE firefighter

fortune-telling, NOT fortunetelling

freestanding, NOT free standing NOR free-standing

full-time, NOT fulltime

fundraising, NOT fund raising NOR fund-raising

firsthand, NOT first-hand NOR first hand

General Educational Development (GED) test, NOT GED test

guardrail, NOT guard rail

inpatient, NOT in-patient

installment, NOT instalment

interagency, NOT inter-agency

Appendix C

intra-agency, NOT intraagency

judgment, NOT judgement

labeling, NOT labelling

landowner, NOT land owner

lease-purchase agreement, NOT lease purchase agreement

long-term care facilities, NOT long-term-care facilities

lump-sum payment, NOT lump sum payment

marijuana, NOT marihuana

moneys, NOT monies

motorboat, NOT motor boat

multicounty, NOT multi-county

multistate, NOT multi-state

National Guard, member/members of the, NOT National Guardsman/Guardsmen

nongovernment, NOT non-government

nonhazardous, NOT non-hazardous

nonprint, NOT non-print

nonprofit, NOT non-profit

nonresident, NOT non-resident

outpatient, NOT out-patient

part-time, NOT parttime

percent, NOT per cent

picked-up employee contribution, NOT picked up employee contribution

postsecondary, NOT post-secondary

Appendix C

preaddressed, NOT pre-addressed (similarly other words beginning with "pre" unless listed below, e.g., pre-existing)

pre-existing, NOT preexisting

preemptive, NOT pre-emptive

prehearing, NOT pre-hearing

prepaid, prepayment, NOT pre-paid, pre-payment

pretrial release, NOT pre-trial release

probable-cause hearing, NOT probable cause hearing

pro rata, NOT prorata

prorate(d), NOT pro-rate(d)

pro tem, NOT protem

re- Hyphenate a word beginning with "re" only if necessary to distinguish it from another word, e.g., re-create and recreate; re-mark and remark.

recordkeeping, NOT record keeping

re-create = to create again

reemployment, NOT re-employment

reevaluate, reevaluation, NOT re-evaluate, re-evaluation

reexamine, reexamination, NOT re-examine, re-examination

reinsure, reinsurer, reinsurance, NOT re-insure, re-insurer, re-insurance

re-mark = to mark again

reregister, reregistration, NOT re-register, re-registration

right-of-way, NOT right of way

rights-of-way, NOT rights of way NOR right-of-ways NOR right of ways

schoolteacher, NOT school teacher

Appendix C

secondhand, NOT second-hand NOR second hand

semiannual; use in the sense of “occurring every six months or twice a year”; DO NOT USE biannual

semitrailer, NOT semi-trailer

set-off and counterclaim

state-supported, NOT state supported

statewide, NOT state-wide

statutorily NOT statutorially

tax-exempt bonds, obligations, etc.

tail pipe, NOT tailpipe

theater, NOT theatre, except in the case of proper names, e.g., “Actors Theatre of Louisville”

third-party payor (etc.), NOT third party payor (etc.), BUT a third party (when not used as an adjective phrase)

time frame, NOT timeframe

the urban-county, NOT the urban county

transferable, NOT transferrable

United States, NOT U.S. (e.g., United States Coast Guard, NOT U.S. Coast Guard), except U.S. should be used in metes and bounds descriptions, case and statute citations, product classifications

United States Route 27, NOT U.S. 27, U.S. Highway 27, U.S. Rt. 27

urban-county council (government, etc.), NOT urban county council (government, etc.)

Veterans Administration, NOT Veterans' Administration

vice chairman, NOT vice-chairman

Vietnam, NOT Viet Nam

Appendix C

waterskiing, NOT water skiing, water-skiing

well-being, NOT well being

willful(ly), NOT wilful(ly)

workers' compensation, NOT workmen's compensation

NUMERICAL EXPRESSIONS

Monetary Amounts

seventy-five cents (\$0.75), NOT (75¢)

one and one-half cents (\$0.015), NOT (1-1/2¢)

one-tenth of one cent (\$0.001), NOT (1/10¢)

ten dollars (\$10), NOT (\$10.00)

Percentages

one-half of one percent (0.5%), NOT (1/2 of 1%)

thirty-three and one-third percent (33-1/3%)

Times

12 noon, NOT 12:00 noon NOR 12:00 m.

12 midnight, NOT 12:00 midnight NOR 12:00 p.m.

Appendix D

Appendix D

SAMPLE AMENDMENTS

<p>SEN.ATE</p> <p>KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM</p> <p>2001 REGULAR SESSION</p> <p>Amend printed copy of HOUSE BILL 12/GA Title Amendment</p>
--

Amend the title to read "AN ACT relating to financing of capital construction projects at postsecondary education institutions and declaring an emergency."

Amendment No. <u>TITLE</u>	Sen. <u>John James Solon</u>
Committee Amendment _____	Signed: _____
Floor Amendment _____	LRC Drafter: <u>LRC Staffer</u>
Adopted: _____	Date: _____
Rejected: _____	Doc. ID: <u>015128</u>

Appendix D

<p>HOUSE OF REPRESENTATIVES</p> <p>KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM</p> <p>2001 REGULAR SESSION</p> <p>Amend printed copy of HOUSE BILL 202/HCS</p>
--

On page 7, after line 9, insert the following:

“Section 6. Whereas it is increasingly difficult to obtain the required number of qualified persons for jury service, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.”.

Amendment No. _____	Sen. <u>James John Solon</u>
Committee Amendment _____	Signed: _____
Floor Amendment _____	LRC Drafter: <u>LRC Staffer</u>
Adopted: _____	Date: _____
Rejected: _____	Doc. ID: <u>015129</u>

SENATE
KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2001 REGULAR SESSION
Amend printed copy of SENATE BILL 187

On page 4, after line 12, insert the following:

“Section 3. KRS 68.270 is amended to read as follows:

Within thirty (30)~~fifteen (15)~~ days after the budget is adopted by the fiscal court, the county judge/executive shall certify to the state local finance officer a copy of the original budget as approved by the state local finance officer, indicating clearly all changes made by the fiscal court. The state local finance officer shall forward a copy of each county budget received to the Auditor of Public Accounts.”; and

Renumber subsequent sections accordingly; and

On page 8, line 2, delete “Section 5 of this Act” and insert in lieu thereof “Section 6 of this Act”; and

On page 10, after line 6, insert the following:

“(2) The fiscal court may transfer money from one (1) budget fund to another to provide for emergencies or increases or decreases in county employment in accordance with KRS 64.530(4).

(3) The order of the fiscal court making the transfer shall show the nature of the emergency or personnel increase or decrease and the reason for making the transfer.”; and

On page 10, line 22, delete “subsection (2)” and insert in lieu thereof “subsection (4)”.

Amendment No. _____	Sen. <u>John James Solon</u>
Committee Amendment _____	Signed: _____
Floor Amendment _____	LRC Drafter: <u>LRC Staffer</u>
Adopted: _____	Date: _____
Rejected: _____	Doc. ID: <u>015130</u>

Appendix D

SEN.ATE
KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2001 REGULAR SESSION
Amend printed copy of SB 78

On page 1, line 2, insert "**fifty (50)**" before the first occurrence on that line of the word "twenty-five (25)" and place brackets around and strike through "twenty-five (25)"; and

On page 1, line 4, insert "**January**" before the word "July" and place brackets around and strike through "July"; and

On page 1, line 10, remove the opening bracket before the word "All", and on page 1, line 13, remove the closing bracket after "KRS 248.350.", and delete the intervening strikethroughs; and

On page 2, lines 7 and 8, delete the sentence "**A license fee shall be paid on each warehouse building.**" and insert in lieu thereof "**An annual renewal fee shall be collected from the owner of each warehouse building.**".

Amendment No. _____	Sen. <u>Henry Clay</u>
Committee Amendment _____	Signed: _____
Floor Amendment _____	LRC Drafter: <u>LRC Staffer</u>
Adopted: _____	Date: _____
Rejected: _____	Doc. ID: <u>015131</u>

Appendix D

<p>HOUSE OF REPRESENTATIVES</p> <p>KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM</p> <p>2001 REGULAR SESSION</p> <p>Amend printed copy of HOUSE BILL 100/HCS</p>
--

On page 25, line 14, after "Section 10.", delete "This Act takes effect January 1, 2003.", and insert in lieu thereof "This Act takes effect July 1, 2004.".

Amendment No. _____	Sen. <u>Daniel Webster</u>
Committee Amendment _____	Signed: _____
Floor Amendment _____	LRC Drafter: <u>LRC Staffer</u>
Adopted: _____	Date: _____
Rejected: _____	Doc. ID: <u>015132</u>

Appendix E

Appendix E

EXAMPLES OF USE OF CAPITALIZATION

In listing the examples that follow, initial articles (a, an, the) have been disregarded in alphabetization.

This list is not intended to be all-inclusive. For cases not illustrated or covered by the rules, check with the Reviser's office. In the case of a conflict with the rules set out in Appendix D, the examples given below prevail.

-A-

. . . account (Do not capitalize names of accounts, except that the initial reference to an account is capitalized if enclosed in quotation marks.)
acquired immune deficiency syndrome BUT AIDS
Act of Congress
Act of Congress of May 26, 1959
the active militia
the adjutant general
administrative law judge
the Administrative Office of the Courts
the Administrative Register of Kentucky
AIDS, BUT acquired immune deficiency syndrome
AIDS-related complex
the Air National Guard
the American Red Cross
the Apprenticeship and Training Council
the area development district BUT capitalize if the district's full name is used,
e.g., Green River Area Development District; FIVCO Area Development District
the Armed Forces of the United States, the Armed Forces
the Army National Guard
the assistant attorney general
the Assistant President Pro Tem (of the Senate)
the Attorney General
the Auditor of Public Accounts, the Auditor (if referring to the Auditor of Public Accounts)

- B -

the Backside Improvement Commission
the bar, BUT the Kentucky Bar Association
the board

Appendix E

the Board of Claims
the board of elections, BUT the State Board of Elections
Braille

- C -

the Cabinet for Economic Development
the Cabinet for Families and Children
the Capital Plaza Authority
the Capital Projects and Bond Oversight Committee
the Capitol
central standard time
the Chief Justice of the Commonwealth, the Chief Justice
the circuit clerk, the Circuit Court clerk, the clerk of the Circuit Court
the Circuit Court
Circuit Judge
the Citizen's Commission for Human Resources
Civil Rule 76
the Codes Administrators Association of Kentucky
the Commerce Cabinet
the Commission (but only when referring to the Legislative Research
Commission)
the Commission for Handicapped Children
the Commission on Corrections and Community Services
the commissioner for employment services
the commissioner for health services
the commissioner for social insurance
the commissioner for social services
the Commissioner of Agriculture, the Commissioner (if referring to the
Commissioner of Agriculture)
the commissioner of the Department for Employment Services
the Commonwealth, the Commonwealth of Kentucky
the Commonwealth Credit Union
the Commonwealth's attorney
the Congress of the United States; the Congress (when referring to this
legislative body)
the congressional district BUT the Sixth Congressional District
the Constitution of Kentucky, the Constitution of the United States; the
Constitution (when referring to either of these two documents)
the Corrections Cabinet
the council
the Council for Health Services
the Council for Social Insurance
the Council for Social Services

Appendix E

the Council on Higher Education in Kentucky
the county judge/executive, county judges/executive
the County Employees Retirement System
the County Officials Compensation Board
the court (when used by itself)
the Court of Appeals
the Crime Victims Compensation Board
Criminal Rule 6

- D -

the Deferred Compensation Systems
the Department for Administration
the Department for the Blind
the Department for Employment Services
the Department for Environmental Protection
the Department for Health Services
the Department for Libraries and Archives
the Department for Medical Services
the Department for Mental Health and Mental Retardation Services
the Department for Natural Resources
the Department for Social Insurance
the Department for Social Services
the Department for Surface Mining Reclamation and Enforcement
the Department of Administrative Services
the Department of Adult Correctional Institutions
the Department of Agriculture
the Department of Alcoholic Beverage Control
the Department of Business Development
the Department of Community Services and Facilities
the Department of Criminal Justice Training
the Department of Education
the Department of Energy Production and Utilization
the Department of Energy Research and Development
the Department of Facilities Management
the Department of Financial Institutions
the Department of Fiscal Management
the Department of Fish and Wildlife Resources
the Department of Highways
the Department of Housing, Buildings and Construction
the Department of Information Systems
the Department of Insurance
the Department of Law
the Department of Local Government

Appendix E

the Department of Military Affairs
the Department of Mines and Minerals
the Department of Parks
the Department of Personnel
the Department of Processing and Enforcement
the Department of Professional and Support Services
the Department of Property Taxation
the Department of Public Advocacy
the Department of Rural and Municipal Aid
the Department of State
the Department of State Police
the Department of the Arts
the Department of the Treasury
the Department of Travel Development
the Department of Vehicle Regulation
the Department of Workers' Claims
the Department of Workplace Standards
the District Court
District Judge
the Division of Child Support Enforcement
the Division of State Purchasing

- E -

eastern standard time
the Education, Arts, and Humanities Cabinet
the Energy Cabinet
the Environmental Quality Commission
the Executive Mansion
Executive Order 74-762
extraordinary session BUT 1991 First Extraordinary Session (Capitalize if
preceded or followed by a specific year.)

- F -

the Federal Clean Air Act
the Federal Deposit Insurance Corporation
the Federal Food and Drug Administration
the Federal Highway Safety Law
the Finance and Administration Cabinet
the Financial Disclosure Review Commission
the fire protection district
the fiscal court
the Franklin Circuit Court

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the Franklin Circuit Judge
the Franklin County judge/executive
the Franklin District Court
the Franklin County Fiscal Court
fund (The names of funds are not capitalized.)

-G-

the General Assembly
the general fund (except in a budget bill or budget memorandum)
the Governor-elect
the Governor of Kentucky, the Governor
the Governor's contingency fund
the Governor's Cabinet
the Governor's Council on Vocational Education
the Governor's Executive Cabinet
the Governor's General Cabinet
the Governor's Office for Policy and Management
the Governmental Services Center

-H-

the Historic Properties Advisory Commission
HIV infection, BUT human immunodeficiency virus
the Home Builders Association of Kentucky
the horse park, BUT the Kentucky Horse Park
House Bill 61
the House of Representatives, the House (when referring to the lower house
of the Kentucky General Assembly)
human immunodeficiency virus, BUT HIV infection

-I-

the Institute for Aging
the Institute for Children
Interstate 95

-J-

the Job Training Partnership Act of 1982
the Judicial Department
the Judicial Form Retirement System
the Judicial Retirement Plan
the Judicial Retirement System

Appendix E

the judge (when not followed by the full name of the judge's court) BUT a
Judge of the Franklin Circuit Court, the Judges of the Court of Appeals,
a District Judge
the Justice Cabinet
the Justices of the Kentucky Supreme Court

- K -

Kentucky Administrative Regulations Service
the Kentucky Association of General Contractors
Kentucky Authority for Educational Television
the Kentucky Bar Association
the Kentucky Board of Housing, Buildings and Construction
the Kentucky Board of Tax Appeals
the Kentucky Code of Military Justice
the Kentucky Commission on Human Rights
the Kentucky Commission on Women
the Kentucky Council on Agriculture
the Kentucky Development Finance Authority
Kentucky Educational Television
the Kentucky Employees Insurance Association
the Kentucky Employees Retirement System
the Kentucky Firemen's Association
the Kentucky Harness Racing Commission
the Kentucky Health Care Cost Containment Advisory Committee
the Kentucky Higher Education Assistance Authority
the Kentucky Historical Society
the Kentucky Horse Park
the Kentucky Horse Park Commission
the Kentucky Housing Corporation
the Kentucky Industries for the Blind
the Kentucky Labor-Management Advisory Council
the Kentucky Law Enforcement Foundation Program fund
the Kentucky Local Correctional Facilities Construction Authority
the Kentucky Nature Preserves Commission
the Kentucky Occupational Safety and Health Review Commission
the Kentucky Penal Code
the Kentucky Pollution Abatement Authority
the Kentucky Savings Bond Authority
the Kentucky School Building Authority
the Kentucky Society of Architects
the Kentucky Society of Professional Engineers
the Kentucky State Horse Park
the Kentucky State Police

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the Kentucky State Racing Commission
Kentucky State University
the Kentucky Teachers' Retirement System
the Kentucky Turnpike Authority
KRS Chapter 56

-L-

the Labor Cabinet
the Legislative Research Commission
the Legislators' Retirement Plan
the Legislature (when referring to the General Assembly of the Commonwealth of Kentucky)
the Lexington-Fayette Urban-County Government
the library district
the Lieutenant Governor

-M-

master commissioner
Medicaid
Medicare

-N-

the National Guard
the Natural Resources and Environmental Protection Cabinet
the New State Capitol
the New State Capitol Annex
the North American continent

-O-

the Occupational Safety and Health Standards Board
the Office of Administration
the Office of Administrative Services
the Office of Aeronautics
the Office of Business and Technology
the Office of Communications and Community Affairs
the Office of Communications and Council Affairs
the Office of Corrections Training
the Office of Energy Policy and Evaluation

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the Office of Equal Employment Opportunity Contract Compliance
the Office of General Counsel
the Office of Historic Properties
the Office of Inspector General
the Office of Labor-Management Relations
the Office of Legal and Legislative Services
the Office of Management Services
the Office of Minority Affairs
the Office of Personnel Management
the Office of Policy and Budget
the Office of Program Administration
the Office of Public Relations
the Office of Revenue Estimating and Economic Analysis
the Office of the Ombudsman
the Office of the Secretary
the Old Governor's Mansion
the Old State Capitol
the Old State Capitol Annex

- P -

the Parole Board
the Personnel Board
plan (Ordinarily do not capitalize plans.) BUT the Judicial Retirement Plan, the
Legislators' Retirement Plan
President of the Senate
President of the United States, the President (if referring to the President of
the United States)
President Pro Tem of the Senate, the President Pro Tem
presidential preference primary
the Prevailing Wage Review Board
Program (Ordinarily capitalize programs.)
the Prosecutors Advisory Council
the Public Assistance Appeals Board
Public Law No. 97-300
the Public Protection and Regulation Cabinet
the Public Service Commission

- Q -

- R -

the Railroad Commission

Appendix E

the Registry of Election Finance
regular session, BUT 2002 Regular Session (Capitalize if preceded or followed by a specific year.)
the Representatives (i.e., members of the Kentucky House of Representatives)
the Revenue Cabinet

- S -

the secretary for families and children
the secretary of revenue
the Secretary of State
the Senate (when referring to the upper house of the Kentucky General Assembly)
Senate Bill 416
the Senators (i.e., members of the Kentucky Senate)
Social Security number
the Speaker of the House of Representatives, the Speaker of the House
the Speaker Pro Tem (when referring to that office in the Kentucky House of Representatives)
special session BUT 1991 Special Session (Capitalize if preceded or followed by a specific year.)
the state, BUT the State of West Virginia
the State Air National Guard
the State Auditor
the State Board for Elementary and Secondary Education
the State Board of Elections
the state building code, BUT the Uniform State Building Code, the Kentucky Building Code
the State Capitol, BUT the state capital
the State Department of Education
the State Fair
the State Fair Board
the State Investment Commission
the State Horse Park
the State Job Training Coordinating Council
the State Labor Relations Board
the State National Guard
the State Police
the State Police Personnel Board
the State Police Retirement System
the State Property and Buildings Commission
State Route 236
the State Treasurer
the State Treasury, the Treasury

Appendix E

the Supreme Court

- T -

the Teachers' Retirement System

the Tobacco Research Board

the Tourism Cabinet

the Transportation Cabinet

the Treasurer (if referring to the Treasurer of the Commonwealth)

- U -

the Unemployment Insurance Commission

the Uniform Commercial Code

the United States Congress

the United States Geological Survey

the university

the University of Kentucky College of Law

the University of Louisville

the United States Department of Defense

United States Route 60

the urban-county government

- V -

Vice President of the United States

- W -

the Workers' Compensation Board

- X -

- Y -

- Z -

Appendix F

Appendix F

INDEX HEADINGS FOR THE LEGISLATIVE RECORD

0060	ACCOUNTANTS
0070	ACTUARIAL ANALYSIS NOTE: Drafters should not assign this heading themselves; bills requiring actuarial analysis will be indexed under this heading when that determination is made.
0080	ADMINISTRATIVE REGULATIONS AND PROCEEDINGS
0120	ADVERTISING
0160	AERONAUTICS AND AVIATION
0200	AGED PERSONS AND AGING
0240	AGRICULTURE
0280	ALCOHOLIC BEVERAGES
0320	ALCOHOLISM
0360	AMUSEMENTS AND RECREATION
0380	ANIMALS, LIVESTOCK, AND POULTRY
0400	ANNEXATION
0440	APPROPRIATIONS
0480	ARBITRATION
0500	ARCHITECTS
0520	ARCHIVES AND RECORDS
0540	AREA DEVELOPMENT DISTRICTS
0560	ARTS AND CRAFTS

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0620	ATHLETICS
0640	ATTORNEY, COMMONWEALTH'S
0660	ATTORNEY, COUNTY
0680	ATTORNEY GENERAL
0720	ATTORNEYS
0760	AUCTIONEERS
0780	AUDITOR OF PUBLIC ACCOUNTS
0800	AUDITS AND AUDITORS
0820	BAIL AND PRETRIAL RELEASE
0830	BANKRUPTCY
0840	BANKS AND FINANCIAL INSTITUTIONS
0880	BARBERS AND COSMETOLOGISTS
0920	BLIND OR DEAF PERSONS
0960	BOATS AND BOATING
1040	BONDS OF SURETY
1060	BONDS, PUBLIC
1070	BOUNDARIES
1080	BUDGET AND FINANCIAL ADMINISTRATION
1100	CAMPAIGN FINANCE
1110	CAPITAL CONSTRUCTION
1120	CEMETERIES AND BURIALS

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1160	CHAMBERS OF COMMERCE
1200	CHARITABLE ORGANIZATIONS AND INSTITUTIONS
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1260	CIRCUIT CLERKS
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1360	CITIES, FIRST CLASS
1400	CITIES, SECOND CLASS
1440	CITIES, THIRD CLASS
1480	CITIES, FOURTH - SIXTH CLASS
1500	CIVIL ACTIONS
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1560	CIVIL RIGHTS
1600	CLAIMS
1620	CLERGY
1640	COAL
1720	COLLECTIVE BARGAINING
1760	COMMENDATIONS AND RECOGNITIONS
1764	COMMERCE
1770	COMMITTEES
1800	COMMUNICATIONS
1820	CONFERENCE COMMITTEE REPORTS

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1830	CONFIRMATION OF APPOINTMENTS
1840	CONFLICT OF INTEREST
1880	CONGRESSIONAL DISTRICTS
1900	CONSTABLES
1920	CONSTITUTION, KENTUCKY
1930	CONSTITUTION, UNITED STATES
1960	CONSUMER AFFAIRS
2000	CONTRACTS
2080	COOPERATIVES
2120	CORONERS
2160	CORPORATIONS
2215	CORRECTIONS IMPACT NOTE: Drafters should not assign this heading themselves. It is assigned by staff reviewing the forms.
2200	CORRECTIONS AND CORRECTIONAL FACILITIES, STATE
2240	COUNTIES
2250	COUNTIES OF 75,000 OR MORE
2260	COUNTIES, URBAN
2280	COUNTIES WITH CITIES OF THE FIRST CLASS
2320	COUNTIES WITH CITIES OF THE SECOND CLASS
2360	COUNTIES WITH CITIES OF THE THIRD THROUGH SIXTH CLASS
2380	COUNTY CLERKS

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2390	COUNTY JUDGES/EXECUTIVE
2440	COURT OF APPEALS
2480	COURT REPORTERS
2500	COURT, SUPREME
2510	COURTS
2520	COURTS, CIRCUIT
2580	COURTS, DISTRICT
2600	COURTS, FISCAL
2750	CRIME VICTIMS
2760	CRIMES AND PUNISHMENTS
2800	CRIMINAL PROCEDURE
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3280	EDUCATION, HIGHER
3320	EDUCATION, VOCATIONAL
3340	EFFECTIVE DATES, DELAYED
3342	EFFECTIVE DATES, EMERGENCY
3344	EFFECTIVE DATES, RETROACTIVE
3360	ELECTIONS AND VOTING
3400	ELECTRICIANS
3420	EMBALMERS AND FUNERAL DIRECTORS
3430	EMERGENCY MEDICAL SERVICES
3520	EMINENT DOMAIN AND CONDEMNATION
3540	ENERGY
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3600	ENVIRONMENT AND CONSERVATION
3620	ESCHEATS
3660	EXPLOSIVES
3680	FAIRS
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3720	FEES
3760	FIDUCIARIES
3800	FINANCIAL RESPONSIBILITY

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3810	FIRE PREVENTION
3820	FIREARMS AND WEAPONS
3840	FIREFIGHTERS AND FIRE DEPARTMENTS
3900	FIREWORKS
3910	FISCAL NOTE NOTE: Drafters should not assign this heading themselves; bills requiring fiscal notes will be indexed under this heading when that determination is made.
3920	FISH AND WILDLIFE
3960	FLOOD CONTROL AND FLOODING
4000	FOODS
4040	FORESTS AND FORESTRY
4060	FUEL
4080	GAMBLING
4120	GARNISHMENT
4160	GENERAL ASSEMBLY
4240	GOVERNOR
4260	GRAIN
4300	GUARDIANS
4310	HAZARDOUS MATERIALS
4360	HEALTH AND MEDICAL SERVICES
4380	HEALTH BENEFIT MANDATE NOTE: Drafters should not assign this heading themselves; bills requiring a health benefit mandate statement will be indexed under this heading when that determination is made. (see p.119, 5510 LOCAL MANDATE, for format)

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4400	HIGHWAYS, STREETS, AND BRIDGES
4440	HISTORICAL AFFAIRS
4480	HOLIDAYS
4500	HOME RULE
4520	HOSPITALS AND NURSING HOMES
4560	HOTELS AND MOTELS
4600	HOUSING, BUILDING, AND CONSTRUCTION
4640	INFORMATION TECHNOLOGY
4660	INSPECTIONS
4680	INSURANCE
4685	INSURANCE, HEALTH
4690	INSURANCE, MOTOR VEHICLE
4720	INTEREST AND USURY
4760	INTERLOCAL COOPERATION
4780	INTERNATIONAL TRADE AND RELATIONS
4800	INTERSTATE COOPERATION
4840	JAILS AND JAILERS
4880	JUDGES AND COURT COMMISSIONERS
4910	JUDICIAL CIRCUITS
4920	JUDICIAL DISTRICTS
4960	JUNKYARDS
5000	JURIES AND JURORS

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5040	JUSTICES OF THE PEACE AND MAGISTRATES
5080	LABOR AND INDUSTRY
5100	LAND USE
5120	LANDLORD AND TENANT
5240	LEGISLATIVE RESEARCH COMMISSION
5280	LIBRARIES
5320	LICENSING
5360	LIENS
5400	LIEUTENANT GOVERNOR
5480	LOANS AND CREDIT
5500	LOCAL GOVERNMENT
5505	LOCAL GOVERNMENTS, CONSOLIDATED
5510	LOCAL MANDATE NOTE: Drafters should not assign this heading themselves; bills requiring a local mandate statement will be indexed un- der this heading when that determination is made.
5516	LOTTERY
5520	MALT BEVERAGES
5540	MEDICAID
5560	MEMORIALS
5580	MEN
5590	MENTAL DISABILITY
5600	MENTAL HEALTH
5640	MILITARY AFFAIRS AND CIVIL DEFENSE

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5680	MINERALS AND MINING
5720	MOTOR CARRIERS
5760	MOTOR VEHICLES
5800	NEGOTIABLE INSTRUMENTS
5840	NEWS MEDIA
5880	NOISE CONTROL
5920	NOTARIES
5960	NOTICES
5980	NUCLEAR ENERGY
6000	NUISANCES
6010	NURSES
6040	OBSCENITY AND PORNOGRAPHY
6060	OCCUPATIONAL SAFETY AND HEALTH
6080	OCCUPATIONS AND PROFESSIONS
6120	OIL AND NATURAL GAS
6160	OPTOMETRISTS
6180	PARENTAL RIGHTS
6200	PARKS AND SHRINES
6240	PARTNERSHIPS
6300	PEACE OFFICERS AND LAW ENFORCEMENT
6320	PERSONNEL AND EMPLOYMENT
6350	PHARMACISTS

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6440	PHYSICIANS AND PRACTITIONERS
6460	PIGGYBACKED BILLS
6480	PLANNING AND ZONING
6520	PLUMBERS AND PLUMBING
6560	POLICE, CITY AND COUNTY
6600	POLICE, STATE
6640	POLLUTION
6650	POPULAR NAMES AND SHORT TITLES
6660	POVERTY
6700	PROBATION AND PAROLE
6720	PROPERTY
6770	PROPERTY VALUATION ADMINISTRATORS
6780	PROSECUTORS
6790	PUBLIC ADVOCATE
6800	PUBLIC ASSISTANCE
6820	PUBLIC AUTHORITIES
6840	PUBLIC BUILDING AND GROUNDS
6900	PUBLIC ETHICS
6910	PUBLIC HEALTH
6915	PUBLIC MEDICAL ASSISTANCE
6920	PUBLIC OFFICERS AND EMPLOYEES
6960	PUBLIC RECORDS AND REPORTS

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7000	PUBLIC SALARIES
7040	PUBLIC UTILITIES
7080	PUBLIC WORKS
7100	PUBLICATIONS
7120	PURCHASING
7160	RACE RELATIONS
7200	RACING
7240	RAILROADS
7280	REAL ESTATE
7320	REDISTRICTING
7350	RELIGION
7375	REPRODUCTIVE ISSUES
7370	REORGANIZATION
7380	RESEARCH AND METHODS
7400	RETIREMENT AND PENSIONS
7480	SAFETY
7520	SALES
7600	SCIENCE AND TECHNOLOGY
7640	SECRETARY OF STATE
7680	SECURITIES
7720	SEWER SYSTEMS
7760	SHERIFFS

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7770	SMALL BUSINESS
7780	SPACE AND OFFICES
7800	SPECIAL DISTRICTS
7840	STATE AGENCIES
7850	STATE EMPLOYEES
7880	STATE SYMBOLS AND EMBLEMS
7920	STATUTES
8010	STUDIES DIRECTED
8020	SUBSTANCE ABUSE
8040	SUNDAY CLOSING
8060	SURFACE MINING
8080	TAXATION
8085	TAXATION, INCOME CORPORATE
8090	TAXATION, INCOME INDIVIDUAL
8095	TAXATION, INHERITANCE AND ESTATE
8100	TAXATION, PROPERTY
8105	TAXATION, SALES AND USE
8110	TAXATION, SEVERANCE
8120	TEACHERS
8140	TECHNICAL CORRECTIONS
8150	TELEVISION AND RADIO
8160	TEXTBOOKS

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8200	TIME
8220	TITLE AMENDMENTS
8240	TOBACCO
8280	TOURISM
8320	TRADE PRACTICES AND RETAILING
8440	TRANSPORTATION
8460	TREASURER
8520	UNEMPLOYMENT COMPENSATION
8560	UNIFORM LAWS
8600	UNITED STATES
8640	UNIVERSITIES AND COLLEGES
8660	URBAN RENEWAL
8680	VETERANS' AFFAIRS
8720	VETERINARIANS
8750	VETOED LEGISLATION NOTE: Drafters should not assign this heading themselves.
8800	WAGES AND HOURS
8840	WASTE MANAGEMENT
8860	WATER SUPPLY
8880	WATERWAYS AND DAMS
8960	WEIGHTS AND MEASURES
9040	WILLS, TRUSTS, AND ESTATES

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9080	WITHDRAWN LEGISLATION
9120	WITNESSES
9160	WOMEN
9200	WORKERS' COMPENSATION

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THE LEGISLATIVE RECORD**

- Abortion. *See* REPRODUCTIVE ISSUES
- Absent voting. *See* ELECTIONS AND VOTING
- 0060 ACCOUNTANTS
See also AUDITS AND AUDITORS
- Acknowledgements. *See* CIVIL PROCEDURE; NOTARIES
- 0070 ACTUARIAL ANALYSIS
NOTE: Drafters should not assign this heading themselves; bills requiring actuarial analysis will be indexed under this heading when that determination is made.
- 0080 ADMINISTRATIVE REGULATIONS AND PROCEEDINGS
- Adoption. *See* CHILDREN AND MINORS
- 0120 ADVERTISING
- 0160 AERONAUTICS AND AVIATION
- “AIDS.” *See* DISEASES
- 0200 AGED PERSONS AND AGING
See also HOSPITALS AND NURSING HOMES; PUBLIC MEDICAL ASSISTANCE; RETIREMENT AND PENSIONS
- 0240 AGRICULTURE
See also ANIMALS, LIVESTOCK, AND POULTRY; COOPERATIVES; DAIRYING AND MILK MARKETING; FOODS; GRAIN; TOBACCO
- 0280 ALCOHOLIC BEVERAGES
See also ALCOHOLISM; DISTILLED SPIRITS; MALT BEVERAGES

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- 0320 ALCOHOLISM
See also ALCOHOLIC BEVERAGES; SUBSTANCE ABUSE
- 0360 AMUSEMENTS AND RECREATION
See also ARTS AND CRAFTS; ATHLETICS; FAIRS; FIREWORKS;
GAMBLING; LOTTERY; PARKS AND SHRINES; RACING; TOURISM
- 0380 ANIMALS, LIVESTOCK, AND POULTRY
See also AGRICULTURE; DAIRYING AND MILK MARKET-
ING; DOGS; FISH AND WILDLIFE; RACING
- 0400 ANNEXATION
See also PLANNING AND ZONING
- Annulment. *See* DOMESTIC RELATIONS
- Appointments, gubernatorial. *See* CONFIRMATION OF AP-
POINTMENTS
- 0440 APPROPRIATIONS
See also BUDGET AND FINANCIAL ADMINISTRATION
- 0480 ARBITRATION
See also PERSONNEL AND EMPLOYMENT
- 0500 ARCHITECTS
See also HOUSING, BUILDING, AND CONSTRUCTION
- 0520 ARCHIVES AND RECORDS
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- 0540 AREA DEVELOPMENT DISTRICTS
- 0560 ARTS AND CRAFTS
- 0600 ASSOCIATIONS
See also CHARITABLE ORGANIZATIONS AND INSTITU-
TIONS; COOPERATIVES; CORPORATIONS
- 0620 ATHLETICS
- 0640 ATTORNEY, COMMONWEALTH'S
See also PROSECUTORS

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- 0660 ATTORNEY, COUNTY
See also PROSECUTORS
- 0680 ATTORNEY GENERAL
See also PROSECUTORS
- 0720 ATTORNEYS
See also ATTORNEY, COMMONWEALTH'S; ATTORNEY, COUNTY; ATTORNEY GENERAL; PROSECUTORS; PUBLIC ADVOCATE
- 0760 AUCTIONEERS
- 0780 AUDITOR OF PUBLIC ACCOUNTS
See also AUDITS AND AUDITORS
- 0800 AUDITS AND AUDITORS
See also ACCOUNTANTS; AUDITOR OF PUBLIC ACCOUNTS; BUDGET AND FINANCIAL ADMINISTRATION
- Automobile insurance. *See* INSURANCE, MOTOR VEHICLE
- Aviation. *See* AERONAUTICS AND AVIATION
- 0820 BAIL AND PRETRIAL RELEASE
- 0830 BANKRUPTCY
- 0840 BANKS AND FINANCIAL INSTITUTIONS
See also BONDS OF SURETY; BONDS, PUBLIC; INTEREST AND USURY; LOANS AND CREDIT; NEGOTIABLE INSTRUMENTS; SECURITIES
- Bargaining, collective. *See* COLLECTIVE BARGAINING
- 0880 BARBERS AND COSMETOLOGISTS
- Beer. *See* MALT BEVERAGES
- Billboards. *See* ADVERTISING
- Bingo. *See* GAMBLING
- Birth control. *See* REPRODUCTIVE ISSUES

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- 0920 BLIND OR DEAF PERSONS
See also DISABILITIES AND THE DISABLED
- 0960 BOATS AND BOATING
See also WATERWAYS AND DAMS
- Bombs and booby traps. *See* EXPLOSIVES; FIREARMS AND WEAPONS
- 1040 BONDS OF SURETY
- 1060 BONDS, PUBLIC
- 1070 BOUNDARIES
- Bridges. *See* HIGHWAYS, STREETS, AND BRIDGES
- 1080 BUDGET AND FINANCIAL ADMINISTRATION
See also APPROPRIATIONS; AUDITOR OF PUBLIC ACCOUNTS; AUDITS AND AUDITORS; CAPITAL CONSTRUCTION; PURCHASING; STATE AGENCIES
- Building and construction. *See* HOUSING, BUILDING, AND CONSTRUCTION
- Burials. *See* CEMETERIES AND BURIALS
- Buses, school. *See* EDUCATION, ELEMENTARY AND SECONDARY; TRANSPORTATION
- 1100 CAMPAIGN FINANCE
See also ELECTIONS AND VOTING; PUBLIC ETHICS
- 1110 CAPITAL CONSTRUCTION
See also PUBLIC BUILDINGS AND GROUNDS; PUBLIC WORKS
- Capital punishment. *See* CRIMES AND PUNISHMENTS
- The Capitol. *See* PUBLIC BUILDINGS AND GROUNDS
- 1120 CEMETERIES AND BURIALS
See also DEATHS; EMBALMERS AND FUNERAL DIRECTORS

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- 1160 CHAMBERS OF COMMERCE
- 1200 CHARITABLE ORGANIZATIONS AND INSTITUTIONS
See also RELIGION
- Checks. *See* NEGOTIABLE INSTRUMENTS
- 1240 CHILDREN AND MINORS
See also DISABILITIES AND THE DISABLED; DOMESTIC RELATIONS; EDUCATION, ELEMENTARY AND SECONDARY; GUARDIANS; PARENTAL RIGHTS
- Churches. *See* RELIGION
- Cigarettes. *See* TOBACCO
- 1260 CIRCUIT CLERKS
See also CIVIL PROCEDURE; COURTS, CIRCUIT; COURTS, DISTRICT; CRIMINAL PROCEDURE
- Circuit courts. *See* COURTS, CIRCUIT
- 1320 CITIES
Use for cities generally; for treatment of a specific class of cities, use the appropriate heading, e.g., CITIES, FIRST CLASS.
See also ANNEXATION; CITIES, CLASSIFICATION; FIREFIGHTERS AND FIRE DEPARTMENTS; HOME RULE; INTERLOCAL COOPERATION; LOCAL GOVERNMENT; PLANNING AND ZONING; POLICE, CITY AND COUNTY; RETIREMENT AND PENSIONS; URBAN RENEWAL
- 1340 CITIES, CLASSIFICATION
- 1360 CITIES, FIRST CLASS
- 1400 CITIES, SECOND CLASS
- 1440 CITIES, THIRD CLASS
- 1480 CITIES, FOURTH - SIXTH CLASS
- City police. *See* POLICE, CITY AND COUNTY
- 1500 CIVIL ACTIONS

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See also BANKRUPTCY; CIVIL PROCEDURE; CLAIMS; CONSUMER AFFAIRS; CONTRACTS; DOMESTIC RELATIONS; EMINENT DOMAIN AND CONDEMNATION; GARNISHMENT; LIENS; NUISANCES; WITNESSES

Civil defense. *See* MILITARY AFFAIRS AND CIVIL DEFENSE

1520 CIVIL PROCEDURE

See also CIVIL ACTIONS; CLAIMS; NOTARIES; NOTICES; WITNESSES

1560 CIVIL RIGHTS

See also AGED PERSONS AND AGING; CONSTITUTION, KENTUCKY; CONSTITUTION, UNITED STATES; DISABILITIES AND THE DISABLED; MEN; RACE RELATIONS; WOMEN

Civil service. *See* PUBLIC OFFICERS AND EMPLOYEES; for the state merit system, *see* STATE EMPLOYEES

1600 CLAIMS

Classes of cities. *See* CITIES, FIRST CLASS, etc.

1620 CLERGY

See also RELIGION

1640 COAL

See also ENERGY; ENVIRONMENT AND CONSERVATION; MINERALS AND MINING; SURFACE MINING; TAXATION, SEVERANCE

Coin-operated devices. *See* TRADE PRACTICES AND RETAILING

1720 COLLECTIVE BARGAINING

See also ARBITRATION; PERSONNEL AND EMPLOYMENT; PUBLIC OFFICERS AND EMPLOYEES; STATE EMPLOYEES

Colleges. *See* UNIVERSITIES AND COLLEGES

1760 COMMENDATIONS AND RECOGNITIONS

Use this heading for resolutions honoring a living individual and index by the person's surname; for a resolution honoring a deceased individual, *see* MEMORIALS.

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- 1764 COMMERCE
 See also BANKS AND FINANCIAL INSTITUTIONS; LABOR AND INDUSTRY; SALES; SMALL BUSINESS; TRADE PRACTICES AND RETAILING

 Commercial Paper. *See* NEGOTIABLE INSTRUMENTS
- 1770 COMMITTEES
 See also CONFERENCE COMMITTEE REPORTS

 Common names. *See* POPULAR NAMES AND SHORT TITLES

 Commonwealth's attorney. *See* ATTORNEY, COMMONWEALTH'S
- 1800 COMMUNICATIONS
 See also NEWS MEDIA; NOTICES; PUBLIC UTILITIES; TELEVISION AND RADIO

 Competitive bidding. *See* PURCHASING

 Condemnation. *See* EMINENT DOMAIN AND CONDEMNATION
- 1820 CONFERENCE COMMITTEE REPORTS
- 1830 CONFIRMATION OF APPOINTMENTS
- 1840 CONFLICT OF INTEREST
 See also PUBLIC ETHICS
- 1880 CONGRESSIONAL DISTRICTS
 See also REDISTRICTING

 Conservation. *See* ENVIRONMENT AND CONSERVATION
- 1900 CONSTABLES
- 1920 CONSTITUTION, KENTUCKY
- 1930 CONSTITUTION, UNITED STATES
- 1960 CONSUMER AFFAIRS
 See also ADVERTISING; LOANS AND CREDIT; SALES; TRADE PRACTICES AND RETAILING

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- 2000 CONTRACTS
- Conveyances. *See* DEEDS AND CONVEYANCES
- 2080 COOPERATIVES
- 2120 CORONERS
 See also DEATHS
- Corporate income tax. *See* TAXATION, INCOME CORPORATE
- 2160 CORPORATIONS
 See also COOPERATIVES; PARTNERSHIPS; TAXATION, IN-
 COME CORPORATE
- 2200 CORRECTIONS AND CORRECTIONAL FACILITIES,
 STATE
 See also JAILS AND JAILERS
- Cosmetologists. *See* BARBERS AND COSMETOLOGISTS
- County attorney. *See* ATTORNEY, COUNTY
- 2215 CORRECTIONS IMPACT
 NOTE: Drafters should not assign this heading themselves. It is
 assigned by staff reviewing the forms.
- 2240 COUNTIES
 Use for counties generally; for treatment of a specific class of
 counties, use the appropriate heading, e.g., COUNTIES WITH
 CITIES OF THE FIRST CLASS.
 See also ANNEXATION; ATTORNEY, COUNTY; CON-
 STABLES; CORONERS; COUNTY CLERKS; COUNTY
 JUDGES/EXECUTIVE; COURTS, FISCAL; FIREFIGHTERS
 AND FIRE DEPARTMENTS; HOME RULE; INTERLOCAL
 COOPERATION; JAILS AND JAILERS; JUSTICES OF THE
 PEACE AND MAGISTRATES; LOCAL GOVERNMENT;
 PLANNING AND ZONING; POLICE, CITY AND COUNTY;
 PROPERTY VALUATION ADMINISTRATORS; RETIRE-
 MENT AND PENSIONS; SHERIFFS; SPECIAL DISTRICTS;
 URBAN RENEWAL
- 2250 COUNTIES OF 75,000 OR MORE

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- 2260 COUNTIES, URBAN
- 2280 COUNTIES WITH CITIES OF THE FIRST CLASS
- 2320 COUNTIES WITH CITIES OF THE SECOND CLASS
- 2360 COUNTIES WITH CITIES OF THE THIRD THROUGH SIXTH CLASS
- 2380 COUNTY CLERKS
See also FEES; PUBLIC RECORDS AND REPORTS
- 2390 COUNTY JUDGES/EXECUTIVE
See also COURTS, FISCAL

County police. *See* POLICE, CITY AND COUNTY

Court clerks. *See* CIRCUIT CLERKS; COUNTY CLERKS

Court commissioners. *See* JUDGES AND COURT COMMISSIONERS
- 2440 COURT OF APPEALS
- 2480 COURT REPORTERS
- 2500 COURT, SUPREME
- 2510 COURTS
Use for treatment of the Court of Justice and courts generally; for a specific court, use the appropriate heading, e.g., COURT, SUPREME
See also CIVIL PROCEDURE; COURT REPORTERS; JUDGES AND COURT COMMISSIONERS; JURIES AND JURORS; PROSECUTORS; PUBLIC ADVOCATE; WITNESSES
- 2520 COURTS, CIRCUIT
See also CIRCUIT CLERKS
- 2580 COURTS, DISTRICT
See also CIRCUIT CLERKS
- 2600 COURTS, FISCAL
See also COUNTY JUDGES/EXECUTIVE; JUSTICES OF

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THE PEACE AND MAGISTRATES

Crafts. *See* ARTS AND CRAFTS

Credit. *See* LOANS AND CREDIT

Credit cards. *See* LOANS AND CREDIT

Credit unions. *See* BANKS AND FINANCIAL INSTITUTIONS

2750 CRIME VICTIMS

2760 CRIMES AND PUNISHMENTS

See also BAIL AND PRETRIAL RELEASE; CORRECTIONS AND CORRECTIONAL FACILITIES, STATE; CRIME VICTIMS; CRIMINAL PROCEDURE; JAILS AND JAILERS; PROBATION AND PAROLE

2800 CRIMINAL PROCEDURE

See also BAIL AND PRETRIAL RELEASE; CRIME VICTIMS; PROBATION AND PAROLE; PROSECUTORS; PUBLIC ADVOCATE; WITNESSES

2840 DAIRYING AND MILK MARKETING

See also ANIMALS, LIVESTOCK, AND POULTRY

Dams. *See* WATERWAYS AND DAMS

2880 DATA PROCESSING

Deadly weapons. *See* FIREARMS AND WEAPONS

Deaf persons. *See* BLIND OR DEAF PERSONS

2940 DEATHS

See also CEMETERIES AND BURIALS; CORONERS; EMBALMERS AND FUNERAL DIRECTORS

2945 DEEDS AND CONVEYANCES

See also PROPERTY; REAL ESTATE

Defender, public. *See* PUBLIC ADVOCATE

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- Delayed effective dates. *See* EFFECTIVE DATES, DELAYED
- 2950 DISABILITIES AND THE DISABLED
See also BLIND OR DEAF PERSONS; CIVIL RIGHTS; PUBLIC MEDICAL ASSISTANCE
- 2960 DISASTERS
See also EMERGENCY MEDICAL SERVICES; FLOOD CONTROL AND FLOODING
- Discrimination. *See* CIVIL RIGHTS
- 2980 DISEASES
See also HEALTH AND MEDICAL SERVICES
- Dissolution of marriage. *See* DOMESTIC RELATIONS
- 3000 DISTILLED SPIRITS
See also ALCOHOLISM; ALCOHOLIC BEVERAGES; MALT BEVERAGES
- District courts. *See* COURTS, DISTRICT
- Divorce. *See* DOMESTIC RELATIONS
- 3040 DOGS
- 3080 DOMESTIC RELATIONS
See also CHILDREN AND MINORS; PARENTAL RIGHTS
- 3120 DRUGS AND MEDICINES
See also PHARMACISTS; SUBSTANCE ABUSE
- 3160 ECONOMIC DEVELOPMENT
See also AREA DEVELOPMENT DISTRICTS; COMMERCE
- 3200 EDUCATION, ELEMENTARY AND SECONDARY
See also TEACHERS
- 3240 EDUCATION, FINANCE
- 3280 EDUCATION, HIGHER
See also EDUCATION, VOCATIONAL; UNIVERSITIES AND COLLEGES

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- 3320 EDUCATION, VOCATIONAL
- 3340 EFFECTIVE DATES, DELAYED
- 3342 EFFECTIVE DATES, EMERGENCY
- 3344 EFFECTIVE DATES, RETROACTIVE
 - The elderly. *See* AGED PERSONS AND AGING
- 3360 ELECTIONS AND VOTING
 - See also* CAMPAIGN FINANCE
- 3400 ELECTRICIANS
 - Elementary education. *See* EDUCATION, ELEMENTARY AND SECONDARY
- 3420 EMBALMERS AND FUNERAL DIRECTORS
 - See also* CEMETERIES AND BURIALS; CORONERS; DEATHS
 - Emblems, state. *See* STATE SYMBOLS AND EMBLEMS
 - Emblems, United States. *See* UNITED STATES
 - Emergency effective dates. *See* EFFECTIVE DATES, EMERGENCY
- 3430 EMERGENCY MEDICAL SERVICES
 - See also* DISASTERS; FLOOD CONTROL AND FLOODING
- 3520 EMINENT DOMAIN AND CONDEMNATION
 - Employment. *See* PERSONNEL AND EMPLOYMENT
- 3540 ENERGY
 - See also* COAL; ENVIRONMENT AND CONSERVATION; FUEL; MINERALS AND MINING; OIL AND NATURAL GAS; PUBLIC UTILITIES; SURFACE MINING; TAXATION, SEVERANCE
- 3560 ENGINEERS AND SURVEYORS
- 3600 ENVIRONMENT AND CONSERVATION

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See also FISH AND WILDLIFE; FOREST AND FORESTRY; JUNKYARDS; LAND USE; PARKS AND SHRINES; POLLUTION; WASTE MANAGEMENT; WATER SUPPLY; WATERWAYS AND DAMS

3620 ESCHEATS

Estates. *See* WILLS, TRUSTS AND ESTATES

3660 EXPLOSIVES

3680 FAIRS

See also AMUSEMENTS AND RECREATION

Farming. *See* AGRICULTURE

3700 FEDERAL LAWS AND REGULATIONS

See also UNITED STATES

3720 FEES

Feminism. *See* WOMEN

3760 FIDUCIARIES

See also GUARDIANS; WILLS, TRUSTS, AND ESTATES

Financial administration. *See* BUDGET AND FINANCIAL ADMINISTRATION

Financial institutions. *See* BANKS AND FINANCIAL INSTITUTIONS

3800 FINANCIAL RESPONSIBILITY

Use for matters dealing with management of personal finance generally; for matters treating liability for specific topics, use the appropriate heading; e.g., for medical malpractice, use PHYSICIANS AND PRACTITIONERS.

See also BANKRUPTCY; GARNISHMENT; LOANS AND CREDIT

3810 FIRE PREVENTION

See also FIREFIGHTERS AND FIRE DEPARTMENTS; SAFETY

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- 3820 FIREARMS AND WEAPONS
See also EXPLOSIVES
- 3840 FIREFIGHTERS AND FIRE DEPARTMENTS
See also FIRE PREVENTION; SAFETY; SPECIAL DISTRICTS
- 3900 FIREWORKS

Fiscal courts. *See* COURTS, FISCAL
- 3910 FISCAL NOTE
NOTE: Drafters should not assign this heading themselves; bills requiring fiscal notes will be indexed under this heading when that determination is made.
- 3920 FISH AND WILDLIFE
See also ANIMALS; ENVIRONMENT AND CONSERVATION; LICENSING; LIVESTOCK AND POULTRY
Flags. For the Kentucky state flag, *see* STATE SYMBOLS AND EMBLEMS; for the United States flag, *see* UNITED STATES and use flag as part of the subheading.
- 3960 FLOOD CONTROL AND FLOODING
See also DISASTERS; WATERWAYS AND DAMS
- 4000 FOODS
See also DAIRYING AND MILK MARKETING; GRAIN; TRADE PRACTICES AND RETAILING
- 4040 FORESTS AND FORESTRY
See also ENVIRONMENT AND CONSERVATION; PARKS AND SHRINES
- 4060 FUEL
See also COAL; ENERGY; MINERALS AND MINING; OIL AND NATURAL GAS; SURFACE MINING; PUBLIC UTILITIES

Funeral Directors. *See* EMBALMERS AND FUNERAL DIRECTORS
- 4080 GAMBLING
See also LOTTERY; RACING

Garbage. *See* WASTE MANAGEMENT

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- 4120 GARNISHMENT
- 4160 GENERAL ASSEMBLY
 - See also* CONFIRMATION OF APPOINTMENTS; LEGISLATIVE RESEARCH COMMISSION; PIGGYBACKED BILLS; PUBLIC ETHICS; REDISTRICTING
- 4240 GOVERNOR
 - See also* CONFIRMATION OF APPOINTMENTS
- 4260 GRAIN
- 4300 GUARDIANS
 - See also* FIDUCIARIES
 - Handicapped. *See* DISABILITIES AND THE DISABLED
- 4310 HAZARDOUS MATERIALS
- 4360 HEALTH AND MEDICAL SERVICES
 - See also* DEATHS; DRUGS AND MEDICINES; EMERGENCY MEDICAL SERVICES; HOSPITALS AND NURSING HOMES; MEDICAID; MENTAL HEALTH; PHARMACISTS; PHYSICIANS AND PRACTITIONERS; PUBLIC MEDICAL ASSISTANCE
- 4380 HEALTH BENEFIT MANDATE
 - NOTE: Drafters should not assign this heading themselves; bills requiring a health benefit mandate statement will be indexed under this heading when that determination is made.
 - Health insurance. *See* INSURANCE, HEALTH
 - Higher education. *See* EDUCATION, HIGHER
- 4400 HIGHWAYS, STREETS, AND BRIDGES
- 4440 HISTORICAL AFFAIRS
 - See also* ARCHIVES AND RECORDS
- 4480 HOLIDAYS
- 4500 HOME RULE

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- 4520 HOSPITALS AND NURSING HOMES
See also NURSES
- 4560 HOTELS AND MOTELS
- 4600 HOUSING, BUILDING, AND CONSTRUCTION
See also ARCHITECTS; CAPITAL CONSTRUCTION; ELECTRICIANS; INSPECTIONS; PLANNING AND ZONING; PLUMBERS AND PLUMBING; PROPERTY; URBAN RENEWAL
- Income tax. *See* TAXATION, INCOME CORPORATE; TAXATION, INCOME INDIVIDUAL
- Industry. *See* LABOR AND INDUSTRY
- Inheritance tax. *See* TAXATION, INHERITANCE AND ESTATE
- 4640 INFORMATION TECHNOLOGY
- 4660 INSPECTIONS
- 4680 INSURANCE
See also CLAIMS; FINANCIAL RESPONSIBILITY
- 4685 INSURANCE, HEALTH
See also HEALTH AND MEDICAL SERVICES
- 4690 INSURANCE, MOTOR VEHICLE
See also MOTOR CARRIERS; MOTOR VEHICLES
- 4720 INTEREST AND USURY
See also BANKS AND FINANCIAL INSTITUTIONS; LOANS AND CREDIT
- 4760 INTERLOCAL COOPERATION
- 4780 INTERNATIONAL TRADE AND RELATIONS
- 4800 INTERSTATE COOPERATION
- 4840 JAILS AND JAILERS
See also CORRECTIONS AND CORRECTIONAL FACILITIES, STATE

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- 4880 JUDGES AND COURT COMMISSIONERS
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